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Union Calendar No. 595

106th Congress, 2d Session – – – – – – – – – – House Report 106–1027

JANET RENO'S STEWARDSHIP OF THE JUSTICE DEPARTMENT: A FAILURE TO SERVE THE ENDS OF JUSTICE

TENTH REPORT

BY THE

COMMITTEE ON GOVERNMENT REFORM

together with

MINORITY VIEWS

Volume 2 of 2



Available via the World Wide Web: http://www.gpo.gov/congress/house
http://www.house.gov/reform

DECEMBER 13, 2000.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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U.S. GOVERNMENT PRINTING OFFICE

68–229 CC WASHINGTON : 2000

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LETTER OF TRANSMITTAL

HOUSE OF REPRESENTATIVES,
Washington, DC, December 13, 2000.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: By direction of the Committee on Government Reform, I submit herewith the committee's tenth report to the 106th Congress.

DAN BURTON,
Chairman.

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JANET RENO'S STEWARDSHIP OF THE JUSTICE DEPARTMENT: A FAILURE TO SERVE THE ENDS OF JUSTICE

DECEMBER 13, 2000.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. BURTON, from the Committee on Government Reform submitted the following

TENTH REPORT

On October 19, 2000, the Committee on Government Reform approved and adopted a report entitled, "Janet Reno's Stewardship of the Justice Department: A Failure to Serve the Ends of Justice." The chairman was directed to transmit a copy to the Speaker of the House.

APPENDIX 1

CORRESPONDENCE BETWEEN THE COMMITTEE ON GOVERNMENT REFORM AND THE DEPARTMENT OF JUSTICE

SUBPOENAS FROM THE COMMITTEE ON GOVERNMENT REFORM TO THE DEPARTMENT OF JUSTICE

ONE HUNDRED FIFTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

January 8, 1997

The Honorable Janet Reno
Attorney General
U.S. Department of Justice
Washington, D.C. 20530

Dear General Reno:

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform and Oversight is conducting an investigation into questionable fundraising activities and government actions involving Asian-Pacific policy. The Committee is reviewing actions of John Huang and his associates and the use of the Commerce Department resources in connection with any of these activities. The Committee is also reviewing the activities of former Commerce Secretary Ron Brown and his role in Asian-Pacific policy.

As part of this investigation, the Committee is seeking all documents related to the 1993-1994 Justice Department investigation into allegations of improper actions by Secretary Brown in connection with the lifting of the Vietnamese trade embargo. These documents include, but are not limited to, all allegations by Ly Thanh Binh. This case was reportedly closed by the Justice Department in 1994.

My staff informed the DOJ Congressional Affairs office that these documents would be sought several weeks ago. Today my staff spoke with Ann Harkins in the Congressional Affairs office who informed us that we would receive a response on our document request by Tuesday, January 14, 1997. Thank you for your prompt attention to this matter.

Sincerely,

Dan Burton
Chairman

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED FIFTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6143
(202) 225-5074

January 10, 1997

Honorable Janet Reno
Attorney General
U.S. Department of Justice
10th and Constitution Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Reno:

Today, the New York Times printed an excerpt of a December 21, 1996, telephone conversation involving the leadership of the House of Representatives. The article provides in pertinent part that: "The call was taped by people in Florida who were unsympathetic to Mr. Gingrich and heard it on a police scanner that happened to pick up the cell phone transmissions of one of the participants. It was given to a Democrat Congressman, who made the tape available to The New York Times."

The conduct described in the article may have violated the privacy rights of several Members of Congress and could potentially constitute a violation of the "Wiretap Act," 18 U.S.C. sec. 2510 et seq., which makes it a crime to

> [I]ntentionally intercept[], endeavor[] to intercept, or procure[] any other person to intercept or endeavor to intercept, any wire, oral, or electronic communication . . .

18 U.S.C. sec. 2511(1)(a); and to

> [I]ntentionally disclose[], or endeavor[] to disclose, to any other person the contents of any wire, oral, or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, oral, or electronic communication in violation of the [Wiretap Act].

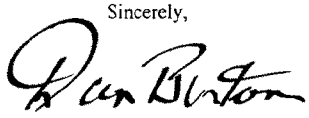
18 U.S.C. sec. 2511(1)(c).

I am deeply concerned about the certainly inappropriate and potentially illegal activity conducted by the individual or individuals who recorded and disseminated the telephone

conversation and the conduct of the unnamed Democrat Congressman, who used the conversation for political purposes. I hope you share my outrage at this egregious invasion of privacy.

Invasion of privacy is a serious matter and should be treated as such. Millions of Americans use cellular phones for both business and personal conversations and should be able to expect some degree of privacy. I ask that you review this matter immediately. Also, please give me your opinion as to whether this type of activity is a violation of the Wiretap Act's intent if not the letter of the law and what changes in the law should be made to protect the American people. Thank you for your cooperation. I look forward to hearing from you concerning this matter.

Sincerely,



Dan Burton
Chairman

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED FIFTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143
(202) 225–5074

January 20, 1997

VIA FAX (202) 514-4371
The Honorable Janet Reno
Attorney General of the United States
Department of Justice
Washington, D.C. 20530

Re: The Riady family and the Lippo Group

Dear Attorney General Reno:

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform and Oversight is conducting an investigation into foreign contributions to the Democratic National Committee ("DNC"), other alleged campaign fundraising abuses, questionable contributions made to the Presidential Legal Expense Trust and/or the legal defense funds of administration officials, political activities of agency officials, misuse of agency resources, and any related matters arising out of these areas. As part of this investigation, the Committee requests the following:

Definitions and Instructions

(1) For the purposes of this request, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all computer entries, memoranda, diaries, phone bills, telephone logs, telephone message slips, tapes, notes, talking points, letters, journal entries, reports, studies, drawings, calendars, manuals, press releases, opinions, documents, analyses, messages, summaries, bulletins, disks, briefing materials and notes, cover sheets or routing cover sheets or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" shall also include redacted and unredacted versions of the same record.

(2) For purposes of this request, the terms "refer" or "relate" and "concerning" as to any given

subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

(3) For purposes of this request any records requested includes all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

Requested Items

1. All records relating to any closed criminal investigation of former DNC and Commerce Department Official John Huang, Mochtar Riady, James Riady, any member of the Riady family, the Lippo Group, any affiliate of the Lippo Group, and/or Yah Lin "Charles" Trie conducted by the Los Angeles Bureau of the FBI, any other bureau of the FBI, and/or the Department of Justice.

2. All records relating to contacts and/or meetings between any former or present Federal Deposit Insurance Corporation (FDIC) employee, including but not limited to regulator Kent Quincy, and Department of Justice employees regarding John Huang, Mochtar Riady, James Riady, any member of the Riady family, the Lippo Group, any affiliate of the Lippo Group, and/or Yah Lin "Charles" Trie for the period Jan 1993-Present.

In addition, please notify the Committee of any ongoing criminal investigations being conducted by the Los Angeles Bureau of the FBI, any other bureau of the FBI, and/or the Department of Justice of John Huang, Mochtar Riady, James Riady, any member of the Riady family, the Lippo Group, any affiliate of the Lippo Group.

Please produce the requested items to the Committee by Wednesday, February 5, 1997. Also, please provide document logs which indicate each document's Bates number, author, description, and source file. If you have any questions, please contact Investigative Counsel Tim Griffin at 225-5074.

Sincerely,

Dan Burton
Chairman

cc. The Honorable Henry Waxman

GERALD B. SOLOMON
MEMBER OF CONGRESS
22D DISTRICT, NEW YORK
ROOM 2206 RAYBURN BUILDING
WASHINGTON, DC 20515-3222
(202) 225-6614

MEMBER
HOUSE TASK FORCE ON AMERICAN
PRISONERS OF WAR AND
MISSING IN SOUTHEAST ASIA

ID: JAN 22 '97 12:16 NO.012 P.02

MEMBER
HOUSE TASK FORCE O
CHILD CARE, DRUGS,
EDUCATION AND THE ELD

Congress of the United States
House of Representatives
Washington, DC 20515-3222

January 22, 1997

The Honorable Louis J. Freeh
Director
Federal Bureau of Investigation
Ninth Street and Pennsylvania Ave., N.W.
Washington D.C. 20535

Dear Director Freeh:

Since October of 1996 I have been trying to acquire documents and other information on the activities of Mr. John Huang in the Department of Commerce. Mr. Huang served as a political appointee (Principal Deputy Assistant Secretary for International Economic Policy, International Trade Administration, DOC). On January 17, I finally received documents which raise serious questions about compromising the vital economic and national security interests of the United States, questions which only the FBI is equipped to investigate.

In a January 9, 1997 letter to President Clinton I noted that considering possible evidence Mr. Huang did not set aside his loyalties to Lippo Group when he joined Commerce, Congress would be derelict in its duties if it did not insist on proof that the national security and economic interests of the United States were not compromised.

The documents received January 17 (but only after repeated requests) combined with previously acquired information, leave me with no choice but to request an immediate FBI investigation focusing on, at a minimum, economic espionage against the United States by a foreign corporation having direct ties to The People's Republic of China. I am not accusing Mr. Huang of criminal activity but offer the following facts for your Bureau's investigation:

- In a December 9, 1996 memo attached to Mr.Huang's PERSONNEL SECURITY CLEARANCE NOTIFICATION, an ITA security officer explained in a response to a request that Mr. Huang retain his Top Secret clearance upon leaving DOC, that " DOC does not issue clearances for non-employees." However, on January 31, 1994, five months before non-government employee John Huang joined DOC, and while still associated with Lippo, he was granted an interim Top Secret clearance. During that period, Mr. Huang received an $879,000 severance package from Lippo.

- Mr. Huang left DOC on January 17, 1996. The Defense Industrial Security Clearance Office (DISCO) disclosed that a " Consultant Top Secret" clearance was issued to John Huang on December 12, 1995 and was valid at least until December 9, 1996. John Huang was Vice-Chairman of the DNC finance Committee until November 15, 1996.

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337 Fairview Avenue
Hudson, NY 12534
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21 Bay St
Glens Falls,
518-792-

- John Huang's SF171, Declaration of Appointee, Standard Form 52, Personal Security Clearance Change Notification, DISCO FM 560 (R4) 92 SEP Letter of Consent, and Passport Application are all signed by Mr. Huang attesting to his date of birth as April 14, 1945, and his birthplace is listed as Fukien Fujian, China. However, on John Huang's VISA Application Form for THE PEOPLES REPUBLIC OF CHINA on May 16, 1995, he signed a statement: " I guarantee that the statement given above is true and correct," gave his date of birth as April 14, 1941, and stated " N/A " to the question " Relatives or friends in China, if any." On May 15, 1995 he signed a VISA application for The Republic of Korea and listed his date of birth as April 14, 1941 and signed a statement " I declare that the statements made in this application are true and correct to the best of my knowledge and belief, . . . " Mr. Huang traveled to the PRC and Korea in June of 1995.

- On January 27, 1995, Mr. Huang wrote a memo to Mr. David Rothkopf referring to his Draft Proposed Country Strategy for Taiwan, a nine-page document focusing on " a means of maximizing opportunities for U.S. business in Taiwan's domestic market . . . ." Mr. Huang's memo to Deputy Under Secretary Rothkopf states: " Anything we need to delay program with Taiwan, we should do it (to protect what we have accomplished so far in China) "

- On a December 23, 1994 hand-written note (author unclear) stapled to documents that apparently refer to a reception between U.S. and Armenian officials appears an arrow from the name of John Huang to the phrase, "only been here a few months," while the next line states, "Language translation capability Chinese, Russian. " John Huang's SF 171 only states he is fluent in Chinese (five dialects).

- Secretary Michael Kantor informed me in a letter dated January 13, 1997 that John Huang was given a " weekly intelligence briefing centered on the People's Republic of China . Any materials related to the briefing were under the control of the Central Intelligence Agency." Analysis of Mr. Huang's United States Government Appointment Book indicates Mr. Huang received numerous classified briefings and analysis of his government phone records indicate Mr. Huang made numerous calls to LIPPO Bank.

Mr. Director, any one of these facts would warrant a thorough investigation. Together, they represent a compelling need to protect the integrity of American economic and national security. This is a serious matter, Mr. Director, perhaps the most serious since the end of the Cold War. I pray history will record that neither Congress nor the FBI was lacking in due diligence.

Sincerely,

GERALD B. SOLOMON
Chairman, House Rules Committee

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED FIFTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143
(202) 225–5074

February 5, 1997

VIA FAX (310) 514-1117
Doris Meissner, Commissioner
Immigration and Naturalization Service
7100 Chester Arthur Building
425 I Street, N.W.
Washington, D.C. 20536

Re: "A" files on James Riady, Mochtar Riady, Yah Lin "Charlie" Trie, Wang Jun, Soraya Wiriadinata, Arief Wiriadinata, Pauline Kanchanalak, Roger Tamraz.

Dear Ms. Meissner:

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform and Oversight is conducting an investigation into foreign contributions to the Democratic National Committee, other alleged campaign fundraising abuses, questionable contributions made to the Presidential Legal Expense Trust and/or the legal defense funds of administration officials, political activities of agency officials, misuse of agency resources, and any related matters arising out of these areas. As part of this investigation, the Committee is requesting the following materials.

Please provide the Committee with a copy of the entire contents of the alien registration or "A" files of the following individuals: James Riady, Mochtar Riady, Yah Lin "Charlie" Trie, Wang Jun, Soraya Wiriadinata, Arief Wiriadinata, Pornpimol Parrichattkul a.k.a. Pauline Kanchanalak, and Roger Tamraz.

The Committee is aware that the alien registration number, date of birth and port of entry are necessary in order to access the complete files of the above individuals. As the Committee does not possess that information, please obtain the necessary information from INS records for purposes of locating the above requested materials.

Please produce the requested items to the Committee by Thursday, February 20, 1997. If you have any questions, please contact Investigative Counsel Tim Griffin at 225-5074.

Sincerely,

Dan Burton
Chairman

cc: William J. Carroll, District Director
Arlington Office
The Honorable Henry Waxman

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED FIFTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

(202) 225–5074

February 23, 1997

VIA FAX (202) 514-4371
The Honorable Janet Reno
Attorney General of the United States
U.S. Department of Justice
Washington, D.C. 20530

Re: Information provided to the White House regarding the Chinese government and/or the Chinese Embassy and DNC fundraising matters and/or investigations of Clinton Administration officials

Dear General Reno:

I was gravely concerned to have read the following in yesterday's Washington Post:

> "The White House, citing diplomatic and national security concerns, in recent days sought information from the Justice Department on whether the Chinese government tried to illegally funnel money to the DNC. After protracted negotiations designed to protect the integrity of the criminal investigation, the Justice Department yesterday provided materials to the White House counsel's office. A source familiar with those materials said yesterday they 'shed no light' on whether the Chinese government, using the Chinese Embassy, attempted to direct contributions to the Democratic party."

Why is the Justice Department providing open case file information to the White House when the nature and extent of contacts between Clinton Administration officials and foreign fund sources is not fully understood? The media reports have shown more than the possibility that Clinton Administration officials were involved in illegal DNC fundraising activities. John Huang, a Clinton appointee to the Commerce Department with personal ties and frequent access to the President and high ranking White House officials was reported last week to have attempted to "launder" $250,000 to the DNC through an Asian-American group in return for a $45,000 payment to the group. Mary Hay, head of the American-Asian Business Roundtable told a

reporter that John Huang wanted her partner to launder money from an unnamed Asian country. This is the same John Huang who obtained a top secret clearance while he was still employed by the Lippo Group and retained that clearance for over a year after leaving the Commerce Department. Mr. Huang frequently received classified briefings and continued to maintain contact with his former employer (Lippo Bank) and is reported to have visited the Chinese Embassy.

Another Clinton appointee, Charles Trie, brought a top-level Chinese arms dealer, Wang Jun, to the White House for coffee with the President at a time his company was actively under investigation for a scheme to smuggle thousands of Chinese-made fully automatic AK47s into the United States. Mr. Trie provided over $600,000 in unverifiable contributions to the President's Legal Expense Trust and reportedly now is somewhere in Asia.

In addition, an editorial in today's Washington Post notes, a group of six individuals described by National Security Council staff as "DNC donors," consisted of at least four individuals who were "Communist Party big shots who work indirectly - but absolutely - for the People's Republic of China." These individuals met with and had their picture taken with the President. The NSC staffers noted that these Chinese nationals were provided with access to the President because they were "major DNC contributors." This information was widely reported in the newspapers over the past week.

Finally, it is clear that the actions of many close friends and appointees of the President are attracting scrutiny from a variety of sources. The Justice Department's investigation reportedly is in its early stages with many aspects of the matter still to be determined. Sharing of information with the White House is ill-advised at a time when the Justice Department has limited knowledge as to exactly who is involved in the matters under investigation. Certainly if the individuals at the Justice Department or any other agency or department who had this information thought there was a need for the White House to have this information for national security concerns they would have notified the White House on their own through the proper chain of command, independent of pressure from the White House Counsel's office.

It is imperative that the Justice Department immediately disclose who was involved at the White House and the Justice Department in these "protracted negotiations" that took all of one week. Who approved this action? It is such questionable actions that cause many in Congress, both Democrat and Republican, to call for an Independent Counsel in this matter. I find it highly doubtful these documents would have been accessible to the White House if they had been in the hands of an Independent Counsel.

I would note that it was because of such collaboration and consultation between the Justice Department and the White House during the Nixon Administration that the Senate Select Committee on Watergate recommended Independent Counsel legislation. As you may recall, during the initial investigation into the Watergate break in, then-Criminal Division Chief Henry Petersen kept the Nixon White House (both the Counsel's office and the President) regularly

apprised of the Justice Department's progress. The Senate Committee's final report noted:

> Petersen's conduct raises a serious question as to whether high Department of Justice officials can effectively administer criminal justice where White House personnel, or the President himself, are the subjects of the investigation. The conflict of interest is apparent and a committee recommendation deals directly with this issue. (See Final Report of the Select Committee on Presidential Campaign Activities, United States Senate, June 1974, p. 80).

It is also important to note that while the Justice Department's Public Integrity Section is investigating the DNC fundraising abuses, it is also investigating matters regarding James Wood's alleged fundraising activities at the American Institute in Taiwan. Furthermore, Public Integrity is investigating the matters related to the activities of former Commerce Department Secretary Ron Brown which were referred by the Independent Counsel last spring. These interrelated matters are all currently being handled by the Justice Department even though they potentially could involve high ranking Clinton Administration officials.

In light of your recent disclosure of open case information to the White House and pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform and Oversight, in conducting its investigation into the above referenced matters requests that you produce the following records:

Definitions and Instructions

(1) For the purposes of this request, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all computer entries, memoranda, diaries, phone bills, telephone logs, telephone message slips, tapes, notes, talking points, letters, journal entries, reports, studies, drawings, calendars, manuals, press releases, opinions, documents, analyses, messages, summaries, bulletins, disks, briefing materials and notes, cover sheets or routing cover sheets or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" shall also include redacted and unredacted versions of the same record.

(2) For purposes of this request, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

(3) This request calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

(4) The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this request the broadest reading.

(5) No records, documents, data or information called for by this request shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

(6) If you have knowledge that any requested record, document, data or information has been destroyed, discarded or lost, identify the requested records, documents, data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

(7) When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by data, type, addressee, author (and if different, the preparer and signatory), general subject matter and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

(8) This request is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

Requested Items

Please provide the Committee with the following:

1. All records provided to the White House relating to the Department of Justice's DNC fundraising investigation and/or the Chinese Embassy intercepts.

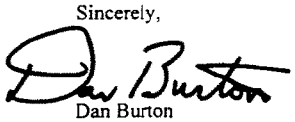
2. All records reflecting any contacts with the White House regarding negotiations over records turned over to the White House related to the Chinese Embassy intercepts and/or DNC fundraising.

3. All records of Justice Department attorneys regarding negotiations with the White House over documents related to the Chinese Embassy intercepts and/or DNC fundraising. Identify all individuals who were involved with these negotiations

with the White House and identify all White House staff who were consulted. Identify all agencies and/or departments notified and consulted about these negotiations and identify the individuals consulted at such agencies and/or departments.

Please produce all records provided to the White House by 5 p.m. Tuesday, February 25, 1997. Please produce all other items to the Committee by Friday, February 28, 1997. Also, please provide document logs which indicate each document's Bates number, author, description and source file. If you have any questions, please contact my Chief Counsel John P. Rowley III at 225-5074.

Sincerely,



Dan Burton
Chairman

cc: The Honorable Henry Waxman

U. S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 25, 1997

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

Dear Mr. Chairman:

I am writing in response to your February 23 letter to the Attorney General requesting information by close of business today. In connection with that request, your letter alleges that the Department of Justice inappropriately disclosed "open case information" to the White House in the middle of an investigation into various allegations of campaign finance impropriety. This allegation is unfounded. Rather, the Department has properly exercised its responsibility to provide intelligence information to officials responsible for national security and foreign policy while ensuring the integrity of ongoing criminal investigations.

As I am sure you are aware, the Federal Bureau of Investigation is responsible for the domestic collection of foreign counterintelligence. While the precise magnitude of the program is classified, a substantial portion of the FBI's resources are devoted to the gathering, analysis, and dissemination to the national security community of intelligence regarding the activities of foreign governments and agents operating within the United States. Indeed, within the intelligence community, the FBI is the lead agency with the responsibility for doing so.

In discharging its responsibility, the FBI routinely sends intelligence to the State Department, the National Security Council ("NSC"), and members of the intelligence community. It provides this information so that officials of the United States government responsible for national security and foreign policy will have the information necessary to carry out their duties. The FBI also frequently provides reports and briefings to the Senate Select Committee on Intelligence ("SSCI") and the House Permanent Subcommittee on Intelligence ("HPSCI") on significant intelligence matters, as do the other intelligence agencies, such as the CIA and NSA, based on their own collections.

On February 12, media inquiries and reports suggested that the People's Republic of China ("PRC") had developed a plan to influence the U.S. political process by a variety of means. In light of the Secretary of State's impending trip to China, White House Counsel Charles Ruff orally inquired whether the Department could provide any information, consistent with its law enforcement obligations and the integrity of ongoing investigations. On February 15, the Attorney General replied in a brief classified memorandum reiterating the contents of a briefing on intelligence matters that the FBI had provided to the NSC on June 3, 1996. She noted that the same information had been provided to the SSCI and the HPSCI during the same time period.

By classified letter of February 18, White House Counsel Charles Ruff referred to the Department several questions from the NSC regarding the PRC's intentions and activities. Mr. Ruff made clear that the NSC did "not seek information that would, under any circumstances, adversely affect the conduct" of any investigation. He further stated the expectation that any information provided to the NSC would also be provided to the SSCI and the HPSCI.

That the letter came from Mr. Ruff did not constitute "pressure from the White House Counsel's office," as your letter suggests. Rather, the letter came from the White House Counsel pursuant to an established protocol between the White House and the Justice Department requiring that the White House Counsel's office be the point of contact for matters that could potentially affect ongoing investigations. This procedure is designed to guard against any pressure or inappropriate requests for information.

The Department's response ensured that there was no adverse impact on its investigation, while fulfilling its responsibility to provide the President and Secretary with the intelligence information necessary to their formulation of national security and foreign policy. With the approval of the Attorney General, the Director of the FBI, and the Criminal Division (which has responsibility for the campaign finance investigation), the Department provided to the NSC copies of intelligence reports that were previously disseminated in accordance with procedures for classified intelligence reports. These classified reports, as well as the classified correspondence between Mr. Ruff and the Department, have been made available to the Chairman and Vice-Chairman of the SSCI and to the Chairman and Ranking Member of the HPSCI.

Contrary to the statement in your letter that it is "highly doubtful these documents would have been accessible to the White House if they had been in the hands of an Independent Counsel," these documents are typical of ones circulated routinely in the intelligence community, as well as to the White House. Indeed, all of the documents provided to the White House last week had been cleared for appropriate dissemination by the FBI, CIA, or NSA to the White House prior to the White House request -- and in some

cases, more than a year ago. Accordingly, the FBI and the Criminal Division agreed that it was appropriate to provide the reports to the White House in response to the NSC's request for information.

In short, this Department did not disclose "open case information to the White House." To the contrary, while preserving the integrity of its ongoing investigation, the Department of Justice reiterated certain foreign counterintelligence information to the White House so that the President, the Secretary of State, and the National Security Advisor could make appropriate decisions regarding national security and foreign policy.

Please let me know if the Department can be of any further assistance.

Sincerely,



Andrew Fois
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED FIFTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143
(202) 225–5074

March 4, 1997

VIA FAX (202) 324-6490

Louis J. Freeh, Director
Federal Bureau of Investigation
J. Edgar Hoover Building
9th Street and Pennsylvania Avenue, N.W.
Washington, D.C. 20535

Re: White House Request for Information Concerning the FBI's Investigation of Campaign Fund-Raising Activities During the 1996 Presidential Campaign.

Dear Director Freeh:

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform and Oversight is conducting an investigation into foreign contributions to the Democratic National Committee, other alleged campaign fund-raising abuses, questionable contributions made to the Presidential Legal Expense Trust and/or the legal defense funds of administration officials, political activities of agency officials, misuse of agency resources, and any related matters arising out of these areas. As part of its investigation, the Committee requests the following:

Definitions and Instructions

(1) For the purposes of this request, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases,

recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

(2) For purposes of this request, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

(3) This request calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

(4) The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this request the broadest reading.

(5) No records, documents, data or information called for by this request shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

(6) If you have knowledge that any requested record, document, data or information has been destroyed, discarded or lost, including, but not limited to, identify the requested records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

(7) When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by data, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

(8) This request is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

(9) For purposes of this request "White House" refers to any and all employees, representatives, officers, contractors, volunteers, interns, agents and/or consultants, whether paid

or unpaid, of the Executive Office of the President, including but not limited to White House Counsel; the First Lady and her office; the President; the Vice-President; the Office of National Security Affairs; the National Security Counsel; and/or the executive branch assigned to, or working at the White House, regardless of designation describing their service at the White House.

(10) For purposes of this request, the "Justice Department" refers to all employees, representatives, officers, directors, contractors, volunteers, interns, agents and/or consultants, whether paid or unpaid, of the U.S. Department of Justice.

(11) For purposes of this request, the "FBI" refers to all employees, representatives, officers, directors, contractors, volunteers, interns, agents and/or consultants, whether paid or unpaid, of the Federal Bureau of Investigation.

Requested Items

Please provide the Committee with the following:

1. All records relating to any contacts between the Justice Department and the FBI, during the period from December 1, 1996 through the present date, concerning any suggestion or proposal that information obtained by the FBI during its investigation of campaign fund-raising activities, including possible Chinese government involvement, during the 1996 Presidential campaign be communicated to the White House.

2. All records relating to any request by the White House to the Justice Department, during the period from December 1, 1996 through the present date, for information obtained by the FBI during its investigation of campaign fund-raising activities, including possible Chinese government involvement, during the 1996 Presidential campaign.

3. All records relating to any request by the Justice Department to the FBI, during the period from December 1, 1996 through the present date, for information responsive to any request by the White House concerning the FBI's investigation of campaign fund-raising activities, including possible Chinese government involvement, during the 1996 Presidential campaign.

4. All records relating to any request by the Justice Department to the FBI, during February 1997, for information concerning the FBI's investigation of campaign fund-raising activities, including possible Chinese government involvement, during the 1996 Presidential campaign.

5. All records relating to the FBI's response to any request by the Justice Department, during the period from December 1, 1996 through the present date, for information to be communicated to the White House concerning the FBI's investigation of campaign fund-raising

activities, including possible Chinese government involvement, during the 1996 Presidential campaign.

6. All records relating to any discussion, consideration or evaluation by or among FBI personnel of any request by the White House to the Justice Department and the FBI, during the period from December 1, 1996, through the present, for information concerning Justice Department and/or FBI investigation of campaign fund-raising activities, including possible Chinese government involvement, during the 1996 Presidential campaign.

Please produce the requested items to the Committee by Thursday, March 13, 1997. Also, please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions, please contact the Committee's Chief Counsel, John P. Rowley III, at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

cc: Honorable Henry A. Waxman

Subpena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To U.S. Department of Justice SERVE: The Honorable Janet Reno, Attorney General of the United States, 10th & Constitution Avenues, N.W., Washington, D.C. 20530

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform and Oversight of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn House Office Building, in the city of Washington, on Thursday March 13, 1997, at the hour of 5:00 p.m.

To Judy McCoy or U.S. Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 4th day of March, 19 97.

Dan Burton
Chairman.

Attest:

Robin H Carle
Clerk.

Subpena for.....

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before the Committee on the.....

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Served.....

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.....House of Representatives

GPO: 1991 42-417 (m)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform and Oversight
U.S. House of Representatives

U.S. Department of Justice
10th & Constitution Avenues, N.W.
Washington, D.C. 20530

Serve: The Honorable Janet Reno
Attorney General of the United States

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform and Oversight is conducting an investigation into foreign contributions to the Democratic National Committee, other alleged campaign fund-raising abuses, questionable contributions made to the Presidential Legal Expense Trust and/or the legal defense funds of administration officials, political activities of agency officials, misuse of agency resources, and any related matters arising out of these areas.

As part of its investigation, the Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions, please contact the Committee's Chief Counsel, John P. Rowley III, at (202) 225-5074.

Definitions and Instructions

(1) For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

(2) For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

(3) This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

(4) The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

(5) No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

(6) If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, including, but not limited to, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

(7) When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by data, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

(8) This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

(9) For purposes of this request "White House" refers to any and all employees, representatives, officers, contractors, volunteers, interns, agents and/or consultants, whether paid or unpaid, of the Executive Office of the President, including but not limited to White House Counsel; the First Lady and her office; the President; the Vice-President; the Office of National Security Affairs; the National Security Counsel; and/or the executive branch assigned to, or working at the White House, regardless of designation describing their service at the White House.

(10) For purposes of this request, the "Justice Department" refers to all employees, representatives, officers, directors, contractors, volunteers, interns, agents and/or consultants,

whether paid or unpaid, of the U.S. Department of Justice.

(11) For purposes of this request, the "FBI" refers to all employees, representatives, officers, directors, contractors, volunteers, interns, agents and/or consultants, whether paid or unpaid, of the Federal Bureau of Investigation.

Subpoenaed Items

Please provide the Committee with the following:

1. All records relating to contacts between the White House and the Justice Department, during the period from December 1, 1996 through the present date, concerning Justice Department and/or FBI investigation of campaign fund-raising activities, including possible Chinese government involvement, during the 1996 Presidential campaign.

2. All records relating to any request by the White House to the Justice Department, during the period from December 1, 1996 through the present date, for information concerning Justice Department and/or FBI investigation of campaign fund-raising activities, including possible Chinese government involvement, during the 1996 Presidential campaign.

3. All records relating to any request by the Justice Department to the FBI, during the period from December 1, 1996 through the present date, for information responsive to any request by the White House concerning the FBI's investigation of campaign fund-raising activities, including possible Chinese government involvement, during the 1996 Presidential campaign.

4. All records relating to any response by the FBI to any request by the Justice Department, during the period from December 1, 1996 through the present date, for information responsive to any request by the White House concerning the FBI's investigation of campaign fund-raising activities, including possible Chinese government involvement, during the 1996 Presidential campaign.

5. All records relating to any discussion, consideration or evaluation by or among Justice Department personnel of any request by the White House, during the period from December 1, 1996, through the present, for information concerning Justice Department and/or FBI investigation of campaign fund-raising activities, including possible Chinese government involvement, during the 1996 Presidential campaign.

6. All records relating to any response by the Justice Department to the White House, during the period from December 1, 1996 through the present date, to any request by the White House for information concerning Justice Department and/or FBI investigation of campaign fund-raising activities, including possible Chinese government involvement, during the 1996 Presidential campaign.

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED FIFTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

(202) 225–5074

March 26, 1997

The Honorable Janet Reno
Attorney General
U.S. Department of Justice
Washington, D.C.

Dear General Reno:

On March 18, 1997, Paul Fishman, Craig Iscoe (both from the Deputy Attorney General's office) and Faith Burton (from the Office of Legislative Affairs) delivered Justice Department documents to the Committee pursuant to a March 4, 1997 subpoena. We had a meeting with the staff at that time also.

There were two productions delivered by Mr. Fishman and Mr. Iscoe on that date -- one classified and the other non-classified documents. Each production was in separate binders. In the course of our meeting, the binder of non-classified documents was provided to the Committee staff. During the meeting, Mr. Iscoe removed one grouping of documents that had been mistakenly placed in the non-classified binder. Following the meeting, Mr. Iscoe accompanied me to the House Permanent Select Committee on Intelligence to deliver the classified documents for storage at HPSCI as we had agreed prior to the meeting.

Upon returning to my office, I did not have the opportunity to review the non-classified documents but had them copied by staff on the Committee for review purposes and stored in the Committee's secure area. Upon further review of the documents on the evening of March 24, 1997, I discovered that Justice Department staff had put redacted documents classified as "Secret" in the non-classified binder of documents; it was not clear if the redactions had deleted the classified material or not. On the morning of March 25, 1997, I called Craig Iscoe to inquire if these documents were classified documents that had mistakenly been placed in the non-classified documents binder when prepared by the Justice Department. Upon checking, Mr. Iscoe confirmed that the documents identified as Bates No. 77-88 were indeed classified as "Secret." At that time I collected the original document and three copies that had been made and stored them in the Committee safe where we store "Secret" documents.

I am providing the three copies to Mr. Iscoe today when Mr. Iscoe delivers other classified documents to the Committee today. Mr. Iscoe also will deliver the original with the other documents to be stored at HPSCI.

Sincerely,

Barbara Comstock

Barbara Comstock
Chief Investigative Counsel

U. S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

April 2, 1997

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

Dear Chairman Burton:

Enclosed please find four pages of additional documents responsive to the subpoena that the Department received from your Committee on March 5, 1997. These pages were located yesterday in the Office of Deputy Attorney General Jamie Gorelick as staff were going through her files in preparation for Ms. Gorelick's departure from the Department of Justice. The documents were inadvertently overlooked in our prior search for items responsive to the Committee's subpoena. The newly-discovered documents consist of an undated draft of a letter from Ms. Gorelick to White House Counsel Charles Ruff and two short notes that were attached to that letter.

The draft letter was never sent. Instead, Daniel Seikaly, Director of the Executive Office for National Security, wrote Mr. Ruff on February 21, 1997. (Your Committee has already been given access to Mr. Seikaly's letter). The first note attached to the letter is an instruction to Ms. Gorelick's secretary asking her to hold the draft letter and not mail it. The second note, written on both sides of a small piece of paper, contains the names and addresses of the Chairmen and Ranking Members of the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence, who were to have received a copy of the letter if it had been sent to Mr. Ruff.

For the Committee's convenience, also attached is an revised version of Part Four of the Subpoena Log that includes the new documents.

Sincerely,

Andrew Fois
Assistant Attorney General

cc: Honorable Henry Waxman
Ranking Minority Member

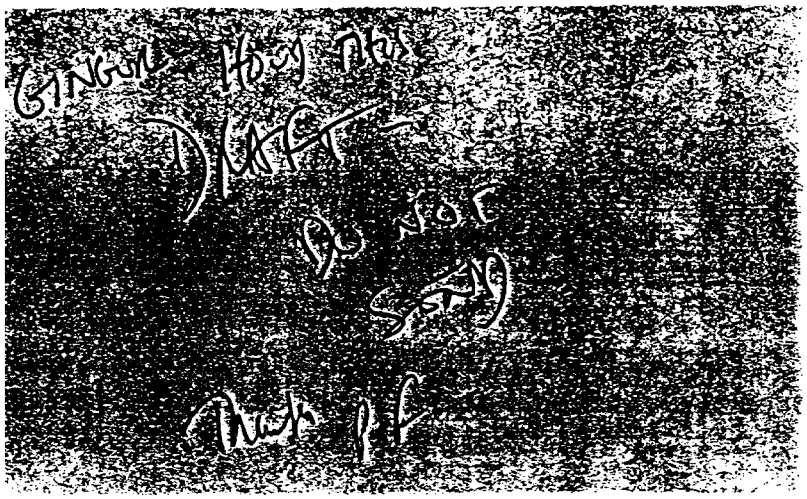
SUBPOENA LOG
(PART FOUR)

Documents produced by the Department of Justice on March 25, 1997 in response to a subpoena issued on March 5, 1997, by the House Committee on Government Reform and Oversight

Bates No(s).	Author	Description
113-147	Secretarial	Attorney General's calendars for 2/12/97 - 2/27/97.
148-160	Secretarial	Attorney General's telephone logs for 2/12/97 - 2/27-97.
161-181	Secretarial	Deputy Attorney General's calendars for 2/12/97 - 2/28/97.
182-220	Secretarial	Deputy Attorney General's telephone logs for 2/12/97 - 2/28/97.
221-222	Robert M. Bryant	Memorandum from Bryant to Director Freeh (dated 1/30/97).
223	Robert M. Bryant	Buck Slip transmitting copy of 221-222 to Stephen Dillard (dated 1/30/97.

Documents produced by the Department of Justice on April 2, 1997 in response to a subpoena issued on March 5, 1997, by the House Committee on Government Reform and Oversight

224	Paul Fishman	Handwritten Post-it note attached to No. 227.
225-226	Secretarial	Both sides of handwritten note attached to No. 227.
227	DAG Gorelick	Draft letter to White House Counsel Ruff (undated)



U.S. Department of Justice
Office of the Deputy Attorney General

Per Tracey

Washington, D.C. 20530

- Senator Richard C Shelly
Chairman - SSCI.

- Senator J. Robert Kerry
Vice Chairman

- HPSCI -
House Permanent Select
Comm. on Intelligent

- Porter Gobb
Chairman

- Norman D. Dick
Ranking Member Democrat.

Senate
Select
Committee
on Intelligence

000226

Office of the Deputy Attorney General
Washington, D.C. 20530

Mr. Charles Ruff
Counsel to the President
The White House
Washington, D.C. 20500

Dear Mr. Ruff:

You have posed certain questions the answers to which, you indicate, are critical to a determination as to what action, if any, the United States should take toward the Peoples Republic of China (PRC) in connection with the allegation that the PRC engaged in improper conduct in connection with political campaigns in the United States. You have made clear that you do not seek information that would adversely affect the conduct of any criminal investigation.

The Federal Bureau of Investigation and the Department's Criminal Division have determined that providing the enclosed responses would not adversely affect the conduct, or compromise the integrity, of any criminal investigation. Because of the sensitivity of this information, particularly as it relates to potential risk to sources and methods, however, we ask that you make it available only to those directly involved in the foreign policy determinations to which you advert and that you maintain a record of those to whom it has been provided.

We will, as you indicate, provide this same information to the Chairman and the Ranking Member to the House Permanent Select Committee on Intelligence and the Chairman and Vice Chairman to the Senate Select Committee on Intelligence.

Sincerely,

Jamie S. Gorelick
Deputy Attorney General

Enclosure

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED FIFTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143
(202) 225–5074

April 30, 1997

The Honorable Janet Reno
Attorney General of the United States
U.S. Department of Justice
Washington, D.C. 20530

Re: Document Protocol

Dear General Reno:

Enclosed is the document protocol adopted by this Committee on April 10, 1997. As the Committee's protocol is now in place, please provide the documents which are responsive to several of the Committee's outstanding requests. In particular, I would like to receive the documents relating to the investigation into improper actions by Secretary Ron Brown in connection with the lifting of the Vietnamese trade embargo, including any wire transfers, bank records, and/or phone records related to this matter.

If you have any questions please contact Committee Counsel John P. Rowley III, or Chief Investigative Counsel Barbara Comstock at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

Attachment
cc: The Honorable Henry Waxman

CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
J. DENNIS HASTERT, ILLINOIS
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
STEVEN H. SCHIFF, NEW MEXICO
CHRISTOPHER COX, CALIFORNIA
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. MCHUGH, NEW YORK
STEPHEN HORN, CALIFORNIA
JOHN L. MICA, FLORIDA
THOMAS M. DAVIS III, VIRGINIA
DAVID M. MCINTOSH, INDIANA
MARK E. SOUDER, INDIANA
JOE SCARBOROUGH, FLORIDA
JOHN SHADEGG, ARIZONA
STEVE C. LATOURETTE, OHIO
MARSHALL "MARK" SANFORD, SOUTH CAROLINA
JOHN E. SUNUNU, NEW HAMPSHIRE
PETE SESSIONS, TEXAS
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ONE HUNDRED FIFTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

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THOMAS H. ALLEN, MAINE

BERNARD SANDERS, VERMONT
INDEPENDENT

April 10, 1997

PROTOCOL FOR DOCUMENTS

This Protocol sets forth the procedures to be followed by the House Committee on Government Reform and Oversight ("the Committee"), and its Subcommittees, for obtaining, storing and releasing of documents and other materials.

Applicability and Interpretation of Protocol

This Protocol shall apply only to Committee and Subcommittee investigation of political fund-raising improprieties and possible violations of law by persons or entities within the Committee's oversight jurisdiction ("the Investigation") and to documents and materials ("documents") obtained during the Investigation by Committee subpoena or letter request. The Protocol shall not apply to any other oversight conducted by the Committee or any Subcommittee unless specifically adopted by decision of the Chairman or by vote of the Committee.

All employees and representatives of any government office, department or agency shall address to the Chairman of the Committee or his designated representative any inquiries, concerns or other communications relating to this Protocol and the matters addressed herein. No representation, commitment or practice by persons other than the Chairman or his designee concerning document-related matters are applicable to or binding on the Chairman.

A. Obtaining Documents

1. **Requests for Documents.** Document requests shall be made under the auspices of the Committee only as authorized by the Chairman on behalf of the Committee, or by the appropriate Subcommittee Chairman on behalf of any Subcommittee. Authorized requests may include the production of documents by agencies, entities, and/or individuals, by letter, facsimile, or other means.

(a) **Procedure for Document Requests** -- The Chairman of the full Committee or the Chairman of any Subcommittee, as the case may be, shall notify1/ the appropriate Ranking Minority Member of the intention to request, on behalf of the Committee or Subcommittee, the production of documents, and shall provide the Ranking Minority member an opportunity to suggest how the scope or substance of the proposed requests might be modified or improved. The Ranking Minority Member shall advise the Chairman whether the Minority will join in the request. Any agreed joint request will be issued by the Chairman and the Ranking Minority Member on behalf of the Committee, or Subcommittee, as appropriate. The request for documents may issue following the provision of notice to the Ranking Minority Member as provided herein. The Chairman retains the discretion to cause letter requests to be issued without the Minority's review or concurrence. Following issuance, copies of letter requests shall be provided to the Ranking Minority Member.

2. Subpoenas for Documents or Witnesses. A subpoena, whether from the full Committee or any Subcommittee, may be issued only with the express authorization of the Chairman, Committee or Subcommittee.

(a) Procedure for Issuance of Subpoenas -- The Chairman of the full Committee shall advise the appropriate Ranking Minority Member of his intention to issue subpoenas for documents or witnesses, and shall provide the Ranking Minority Member an opportunity to suggest how the scope or substance of the proposed subpoenas might be modified or improved. The Chairman shall notify the Ranking Minority Member of the proposed subpoenas at least twenty-four (24) hours before the Chairman issues the subpoenas, excluding Saturdays, Sundays and federal holidays, unless the provisions of Section A.2(b) apply. The Ranking Minority Member shall advise the Chairman whether the Minority agrees with the proposed subpoenas.

(b) **Issuance of Subpoenas Without Prior Notice** -- In accordance with long-standing rules of the Committee, the Chairman may cause a subpoena to be issued without prior notice to members of the Committee including the Ranking Minority Member if, in the Chairman's judgment, delay in issuance could hinder or compromise the Committee's ability to obtain documents or testimony in furtherance of the Committee's investigation. In such event, as soon after issuance as is practicable, the Chairman shall notify the Ranking Minority Member of the existence of subpoena.

B. Handling and Storage of Documents

All documents obtained by the Committee shall be handled and stored by Majority and Minority Investigative Staff in a manner consistent with the level of sensitivity of the documents. Documents shall be stored in a locked area ("the Secure Area") within the Majority

1/ The term "notify" as used in this Protocol means all communications, including those made by telephone, letter and telefax, between the Chairman and the Ranking Minority Member, the Subcommittee Chairmen and the appropriate Ranking Subcommittee Members, as well as contacts on their behalf by respective staff.

and Minority Investigative Staff offices which, in the judgment of the Chairman, provide a secure environment for the storage, handling and review of such documents. The Committee may maintain documents at locations other than the Secure Areas provided that they are stored in secure facilities under the respective control of the Majority or Minority Investigative Staff. Subcommittees involved in the Investigation shall maintain a locked area within Subcommittee offices for the secure storage of documents. In recognition of office space limitations, this Protocol does not envision that Subcommittees will create and maintain separate areas similar to the Committee's Secure Area. Subcommittees will maintain and store documents in such other manner required to prevent unintended disclosure.

1. *Public Documents* -- "Public Documents" include all documents obtained by the Committee and any Subcommittee which are publicly available prior to the time they come into the possession of the Committee or Subcommittee, or which thereafter become publicly available as a result of disclosure by sources other than the Committee or Subcommittee. Since Public Documents are by definition already in the public domain, this Protocol shall not apply to such documents and materials.

2. *Non-Classified Documents* 2/ -- "Non-Classified Documents" include all documents obtained by the Committee, except "Public Documents" and "Classified Materials" as defined below. This category of documents includes non-sensitive documents, as well as those for which the possessing party asserts a claim that the documents contain proprietary, privileged, confidential or other sensitive information. All Non-Classified Documents will be maintained within the Secure Area, or such other secure facility as is necessary to prevent unintended disclosure. Non-Classified Documents will not be removed from such area(s) except as required in furtherance of the Committee's oversight and investigative responsibilities. In the event that an individual or entity in possession of documents asserts that some or all of the documents contain proprietary, privileged, confidential or other sensitive information, the Chairman will determine whether or not the claim is properly made and will so advise the individual or entity, and the Ranking Minority Member, in writing. Documents determined to contain proprietary, privileged, confidential or other sensitive information will be maintained by the Committee in *locked file cabinets* located within the Secure Area, or in such other secure facility as is required by the circumstances. Copies of all documents in the Committee's possession will be limited to the number required for the Committee's oversight and investigation functions. Subcommittees involved in the Investigation shall make such arrangements for the secure storage of Non-Classified Documents and materials in Subcommittee offices, or in such other secure facility as is necessary to prevent unintended disclosure.

3. *Classified Documents* --"Classified Documents" are documents and materials containing "classified information" as defined by Title 50, United States Code, Section 438(2). Classified Documents shall be maintained by the Committee in a *locked safe* within the Secure

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2/ "Documents" includes originals and all copies made therefrom.

Area, or at such other secure facility required by the level of classification of the documents. Access to Classified Documents shall be restricted as required by law. These procedures shall also apply to Subcommittees involved in the Investigation.

Access to Secure Areas and Documents. Access to the documents and materials maintained in the Majority and Minority Secure Areas shall be restricted to Members of the House, as provided by Rule XI , clause 2(e)(2), respective Investigative Staff, to other Committee staff engaged in the Committee's oversight and investigative functions, and to law enforcement officials. A list of all staff with access to the Secure Areas will be maintained by the Majority and Minority and will be updated from time to time as necessary. Subcommittees participating in the Investigation shall limit access to documents and materials to Members of the House, Majority Investigative Staff, to other Committee and Subcommittee staff engaged in the Subcommittee's oversight and investigative functions, and to law enforcement officials.

C. Release of Documents

The Committee, and its members, shall not publicly or privately release documents obtained by the Committee in accordance with the provisions of Paragraph A, except as provided herein. The provisions of this paragraph do not apply to Public Documents or Classified Documents. Non-Classified Documents, the third category of documents defined in Paragraph B, shall not be publicly or privately released except as follows:

1. *Release During Committee Meetings* -- In accordance with House Rules, Non-Classified Documents shall, unless otherwise directed by the Committee, be available for use by members of the Committee in open session, in Committee Reports, and as attachments to official correspondence;

2. *Executive Session* -- Pursuant to House Rule XI, clause 2(k)(7), no evidence or testimony taken in executive session shall be released or used in public sessions without the consent of the Committee; and

3. *Other Public Release* -- In the event that circumstances, including the necessity of correcting the public record after a partial release of documents by another party, require the public release of Non-Classified Documents through channels other than as set forth above, the Committee shall proceed as set forth below:

(a) *Agreed Release* -- The Chairman shall notify the Ranking Minority Member of his desire to release documents. The Chairman and the Ranking Minority Member shall share their views about the proposal and shall endeavor to reach consensus about the issue. The Ranking Minority Member shall notify the Chairman within twenty-four (24) hours whether he agrees or objects to the proposed release. In the absence of objection, the Chairman may release the documents.

(b) *Contested Release* -- For the sole purpose of deciding whether or not to publicly release documents, a Working Group consisting of the Chairman, the Ranking Minority Member, the Vice Chairman, a majority member chosen by the Chairman, and a minority member chosen by the Ranking Minority Member, shall be created. In the event that the Ranking Minority Member objects to the Chairman's proposal to release documents after receiving notice in accordance with paragraph C.3(a), the Chairman shall present the matter to the Working Group for non-binding decision regarding the advisability of the proposed release. The Working Group shall endeavor in good faith to reach consensus and shall render its opinion to the Chairman within twenty-four (24) hours of presentation of the issue by the Chairman. The Working Group shall meet in person or, if a face to face meeting is not practicable, by telephone or conference call. If the Working Group is unable to reach timely consensus concerning the proposed release the Working Group shall, upon motion of the Chairman, render an opinion determined by majority vote. The Chairman shall consider the opinion rendered by the Working Group before deciding whether to release the documents.

D. Minority Document Procedures

Unless otherwise indicated by Committee Rules or this Protocol, the procedures set forth herein shall apply to both the Majority and the Minority. This Protocol anticipates that the Minority Investigative Staff will receive separate copies of the documents obtained by Committee subpoena and letter requests during the Investigation. The Minority Investigative Staff shall handle and store all documents consistent with the security requirements and procedures specified in Paragraph B herein, including the creation and maintenance of a Secure Area. The Chairman shall request in Committee letter requests and direct in subpoenas that government agencies, private corporations and persons producing documents provide the Minority Investigative Staff with a duplicate set of documents contemporaneous with production to the Committee and its Majority Investigative Staff. In the event that the party producing documents does not make a duplicate set of documents, the Majority Investigative Staff will assist the Minority Investigative Staff in duplicating a set of the documents.

E. Internal Policy Guidance

These procedures are solely for the internal policy guidance of the Committee in handling investigative documents. Nothing in these procedures affects or waives the privileges of the Committee Members or others referred to; subjects them to any forum, authority, or questioning outside the House itself; creates rights or duties enforceable or cognizable in court; or invokes or expands the jurisdiction of any House entity, including the Committee on Standards of Official Conduct, other than the Committee.

U. S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

May 8, 1997

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

Dear Mr. Chairman:

This responds to your letter, dated April 30, 1997, which requested documents in connection with the Committee's oversight inquiry regarding fundraising activities and Government actions involving Asian-Pacific policy. The enclosed documents have been available for Committee staff review at the Department since our meeting with staff on January 30, 1997. We are providing them in response to your recent letter, which enclosed the Committee's document protocols.

Enclosed are Federal Bureau of Investigation (FBI) documents responsive to your particular request regarding a closed criminal investigation relating to alleged actions of former Commerce Secretary Ron Brown in connection with the Vietnam trade embargo. Also enclosed is a list of additional FBI subfiles and other responsive materials, which we would be pleased to discuss with you.

Redactions have been made in the enclosed documents and other documents have not been provided because they contain information, the disclosure of which is prohibited by statute, such as Rule 6(e) of the Federal Rules of Criminal Procedure. Other redactions pertain to the identities of confidential sources. Additionally, there are some redactions in the enclosed documents to protect individual privacy, and two documents that contain such information are available for Committee staff review at the Department. As with all such raw investigative information, the documents we are providing should be handled with strict confidentiality in accord with the limited oversight purposes for which you have requested them.

As we previously discussed with Committee staff, we have become concerned that the requirements of Rule 6(e) will unavoidably frustrate the Committee's effort to obtain complete information relating to the oversight inquiry. Our concern is underscored by the fact that the enclosed documents do not reflect material evidence developed before the grand jury, upon which the Department ultimately based its decision to close its investigation of Secretary Brown. That grand jury evidence is, of course, covered by Rule 6(e) and cannot be disclosed.

We will respond further to your request with regard to other responsive documents as soon as possible. We hope that this information is helpful. Please do not hesitate to contact me if you would like additional assistance regarding this or any other matter.

Sincerely,

Andrew Fois
Assistant Attorney General

cc: The Honorable Henry A. Waxman
Ranking Minority Member

DAN BURTON, INDIANA
CHAIRMAN
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BERNARD SANDERS, VERMONT
INDEPENDENT

May 21, 1997

The Honorable Janet Reno
Attorney General of the United States
U.S. Department of Justice
Washington, D.C. 20530

Re: Request for documents.

Dear General Reno:

The Committee on Government Reform and Oversight is conducting an investigation pursuant to its authority under Rules X and XI of the House of Representatives. As part of its investigation, the Committee hereby requests that you produce certain records.

Requested Items

Please provide the Committee with the following:

1. All public disclosure forms, executive branch confidential disclosure reports and/or OGE Form 450 for Webster Hubbell.

2. All Standard Form 1199A for Webster Hubbell.

3. All telephone records relating to Webster Hubbell, including but not limited to, telephone logs, telephone message slips and/or records or evidence of incoming and outgoing telephone calls.

Please produce the requested items to the Committee by May 29, 1997. Also, please provide document logs which indicate each document's Bates number, author, description, and source file.

If you have any questions, please contact Chief Investigative Counsel Barbara Comstock at (202) 225-5074.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: The Honorable Henry Waxman

U. S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

May 23, 1997

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

Dear Mr. Chairman:

This responds to the Committee's subpoena dated May 8, 1997, regarding the Committee's request for materials pertaining to Webster Hubbell. The subpoena was not served on the Bureau of Prisons until May 15, 1997.

Enclosed are documents responsive to subpoena items 1 and 3, relating to visitors and incoming and/or outgoing telephone calls involving Mr. Hubbell. Some of the documents contain minimal redactions, e.g., home addresses and social security numbers, to protect individual privacy interests. Nonetheless, many of these documents still implicate the personal privacy interests of Mr. Hubbell and other individuals. Although the Privacy Act prohibits our public disclosure of the documents, disclosing them to the Committee in connection with this subpoena is permissible under the Act. See 5 U.S.C. 552a(b)(9). We understand that the Committee appreciates the sensitivity of these documents and will safeguard them accordingly. Unredacted copies of the documents are available for staff review at the Department if the Committee needs to review the redacted information.

With regard to subpoena item 2, I want to advise you that the Bureau of Prisons does not routinely retain master audiotapes for more than six months. However, due to a prior subpoena for some of these records, we anticipate that master audiotapes may still be available back to August 18, 1996. Additionally, we expect that the master audiotapes are available for the following dates: March 4 and 25, 1996, May 5, 1996, June 11 and 18-22, 1996, July 21, 1996, and August 7, 1996. The Committee may wish to review the computer printout of Mr. Hubbell's telephone calls, Bates ## 100-200, to determine which, if any, of the available telephone tapes you would like reproduced.

The process of transferring recorded conversations to a disk from the master audiotape is labor intensive, but we are prepared to copy recorded conversations as requested by Committee staff. The Bureau of Prisons has been recently engaged in preparing disks in response to another, previously served, subpoena, but we expect that process to be completed in the near future.

I hope that this information is helpful. Please do not hesitate to contact me if you would like additional assistance regarding this or any other matter.

Sincerely,

Andrew Fois
Assistant Attorney General

Enclosures

cc: The Honorable Henry A. Waxman
Ranking Minority Member

DAN BURTON, INDIANA
CHAIRMAN
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ONE HUNDRED FIFTH CONGRESS

Congress of the United States
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THOMAS H. ALLEN, MAINE

BERNARD SANDERS, VERMONT
INDEPENDENT

May 23, 1997

Janet Reno, Attorney General
Department of Justice
Tenth Street and Constitution Ave., N.W.
Washington, D.C. 20530

Dear General Reno:

The Committee on Government Reform and Oversight is conducting an investigation pursuant to its authority under Rules X and XI of the House of Representatives. As part of its investigation, the Committee hereby requests that you produce certain records.

The Committee is seeking information on the activities of John Huang. Recent news reports state that, during his tenure at the Commerce Department, Huang attended as many as 109 meeting where classified information may have been discussed. The reports further state that Mr. Dickerson was required to brief Commerce officials with top secret security clearances on sensitive economic matters of interest to the American government. The Commerce Department has now established that John Dickerson, the head of the CIA's Office of Intelligence Liaison at the Department of Commerce, personally briefed Huang on classified intelligence matters on 37 occasions.

On April 8, 1997, Mr. Dickerson gave deposition testimony on the subject of John Huang in civil case number 95-0133, Judicial Watch, Inc. v. U.S. Department of Commerce. The Committee hereby requests a copy of the deposition transcript. Be assured that the Committee has appropriate facilities for the storage of classified documents and employs investigative staff who are cleared to view such material.

Please call Senior Investigative Counsel Jay Apperson or Chief Counsel John P. Rowley, III to make arrangements for delivery.

Sincerely,

Dan Burton
Chairman

cc: Honorable Henry A. Waxman

Office of the Attorney General
Washington, D. C. 20530

June 19, 1997

The Honorable Orrin G. Hatch
Chairman, Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

At the oversight hearing on April 30, you expressed your opinion that I have applied incorrect legal standards in making my determination not to commence a preliminary investigation under the Independent Counsel Act at this time, and asked me to obtain an opinion from the Office of Legal Counsel on two issues:

1. Whether I have applied the correct legal standard in determining whether there were "sufficient grounds to investigate," within the meaning of the Independent Counsel Act; and

2. Whether I must determine that an actual conflict of interest may result before the first discretionary provision of the Act, 28 U.S.C. § 591(c)(1), can be invoked, or whether my determination that an appearance of a conflict may result suffices.

I have also received your letter reiterating your concerns and your request, and have reviewed your position carefully.

The Department of Justice now has nearly twenty years of experience with the Independent Counsel Act. During that time, the career prosecutors in the Criminal Division have devoted enormous effort applying the statute in a wide variety of factual contexts. Their work has created a body of administrative practice and expertise interpreting the statute. I therefore have consulted the staff of the Criminal Division in considering your questions. Considerations of institutional consistency, fairness of administration, and prosecutorial expertise all weigh in favor of this course. However, I have also consulted with the Office of Legal Counsel, which has independently considered the issues noted above, researched and reviewed all of the relevant materials, and reached the same conclusions that are set forth in this letter.

As I promised, I have carefully considered the arguments you presented at the hearing and in your letter. While I have great respect for your views, I believe that I have correctly interpreted the statute.

1. "Specific and Credible Evidence" Standard

You suggest that I am relying on an incorrect standard for determining whether the Act's mandatory and discretionary provisions have been triggered. In your view, I mistakenly believe that there must be proof that a crime has been committed, when the proper standard requires only information sufficient to constitute grounds to investigate whether a crime may have been committed. You correctly observe that in 1987, the Congress amended the Act to clarify the standard for triggering a preliminary investigation, changing "has committed" a violation of Federal law to "may have violated" Federal law. See S. Rep. No. 100-123, at 15 (1987).

I agree that the appropriate standard to be applied is whether there is specific and credible evidence sufficient to constitute grounds to investigate whether a federal crime may have been committed. That is the standard articulated by the Independent Counsel Act itself, 28 U.S.C. § 591(a) (whether there is specific and credible "information sufficient to constitute grounds to investigate whether any person . . . . may have violated Federal criminal law"), see 28 U.S.C. § 591(c)(1), and that is the standard that I have applied in making this and all my prior determinations under the Independent Counsel Act. Invocation of the procedures of the Act does not require a showing of proof of every element of an offense sufficient to support a conviction. On the other hand, before the Act is invoked there must be sufficient indication that the conduct to be investigated is criminal rather than innocent. We do not initiate criminal investigations based on sheer speculation or conclusory assertions without supporting facts sufficient to indicate that a crime may have been committed.

So that there is no question, I would like to quote from my report the standard I have applied in making my determination:

> [T]he Act does not permit or require me to commence a preliminary investigation unless there is specific and credible evidence that a crime may have been committed. In your letter, you suggest that it is not the responsibility of the Department of Justice to determine whether a particular set of facts suggests a potential Federal crime, but that such legal determinations should be left to an independent counsel. I do not agree. Under the Independent Counsel Act, it is the Department's obligation to

> determine in the first instance whether particular conduct potentially falls within the scope of a particular criminal statute such that criminal investigation is warranted. If it is our conclusion that the alleged conduct is not criminal, then there is no basis for appointment of an independent counsel, because there would be no specific and credible allegation of a violation of criminal law. See 28 U.S.C. § 592(a)(1).

Report at 2-3 (emphasis added).

At different points in my report, I articulated this statutory standard in several different ways. See, e.g., id. at 2 ("whether the allegations are sufficiently specific and credible to constitute grounds to investigate whether an individual may have violated Federal criminal law"); id. at 3 ("specific and credible allegations of criminal conduct"); id. ("specific and credible evidence that a person not covered by the mandatory provisions of the Act has committed a crime"); id. at 4 ("specific, credible evidence that any covered . . . official may have committed a Federal crime"); id. at 5 ("specific and credible evidence to suggest that any crime was committed"). These merely semantic variations were not intended as departures from the statutory standard, which I have applied: whether there is sufficient specific and credible information to warrant investigating whether a crime may have been committed.

Indeed, as I noted at the hearing, other Attorneys General have similarly articulated the standard in slightly varying ways, but I am confident that they, too, all applied the appropriate standard. For example, Attorney General Barr, in his August 10, 1992, report declining to seek an independent counsel in the Banca Nazionale de Lavoro matter, used the following phrases to identify the appropriate standard, among others:

> "The Independent Counsel Statute applies where there is specific and credible evidence that a 'covered person' . . . has committed a crime." (id. at 2.)
>
> "The threshold requirement for triggering the Statute under either the mandatory or the discretionary provision is the receipt of specific information from a credible source sufficient to constitute grounds to investigate whether some person -- covered or not -- has committed a Federal crime." (id. at 5.)
>
> "... [A]s to the mandatory provision of the Statute, I have concluded that there is no specific and credible information that a 'covered person' committed a crime. As to the discretionary provision of the Statute, I

> have concluded that, for most of the allegations relating to noncovered Government officials, there is no specific and credible information that any crime was committed." (id. at 7.)

Your letter also suggests that the standard of "specific and credible evidence" on which I rely is different from the statutory standard of "information sufficient to constitute grounds to investigate." However, the Act directs that I assess whether I have received "information sufficient to constitute grounds to investigate" solely in terms of the specificity and credibility of the information. 28 U.S.C. § 591(d)(1). That subsection of the Act goes on to direct:

> The Attorney General shall determine whether grounds to investigate exist not later than 30 days after the information is first received. If within that 30-day period the Attorney General determines that the information is not specific or is not from a credible source, then the Attorney General shall close the matter. If within that 30-day period the Attorney General determines that the information is specific and from a credible source, the Attorney General shall, upon making that determination, commence a preliminary investigation with respect to that information. . . .

28 U.S.C. § 591(d)(2). Thus, the standard of "specific and credible evidence" sufficient to warrant further investigation, which is the standard on which I have relied, is derived directly from the Independent Counsel Act itself and, as noted above, is the same standard that has been applied by prior Attorneys General.

At bottom, I do not believe that our disagreement on this first issue is really over the legal standard being applied. Rather, I believe that the difference between us on this point is factual. You believe that the facts known to you, largely from media reports and public statements, meet the applicable legal threshold. While I have the greatest respect for your views, based on the information that we have gathered during our investigation to date, I cannot agree. As I have stated on numerous occasions, however, I am continuing to review the facts as they are developed by the Task Force, and I will not hesitate to invoke the procedures of the Act if the legal standard I have set forth above is met.

2. "Actual vs. Apparent Conflict of Interest"

In my report to you I stated that invocation of the first discretionary provision, 28 U.S.C. § 591(c)(1), requires my prior determination that an investigation or prosecution by the

Department of Justice may result in an actual conflict of interest, rather than the perception or appearance of one. You take issue with my reading of the statute, but neither the language of the statute nor the legislative history supports your suggested reading of the law.

The plain language of the discretionary provision at issue requires that I find that Department of Justice investigation or prosecution of a particular person may "result in a personal, financial, or political conflict of interest." 28 U.S.C. § 591(c)(1). The statute does not authorize invocation of that provision based upon only the "appearance" of a conflict of interest. The distinction between an actual conflict and the appearance of a conflict was established at the time the provision at issue was adopted. See, e.g., Pub. L. No. 95-521, Title VI, § 603(a), 92 Stat. 1824, 1874 (1978) (codified at 28 U.S.C. § 528) ("The Attorney General shall promulgate rules and regulations which require the disqualification of any officer or employee of the Department of Justice . . . from participation in a particular investigation or prosecution if such participation may result in a personal, financial, or political conflict of interest, or the appearance thereof." (emphasis added)). In other words, when Congress intended to prevent the appearance of a conflict as well as the actual conflict, "it knew how to do so." See Custis v. United States, 511 U.S. 485, 492 (1994). The absence of the term "appearance" (or any synonym thereof) in section 591, then, indicates that I should look to conflicts of interest, not to the appearance of conflicts, in assessing the need for an independent counsel.

The legislative history further underscores the plain meaning of the statute, as I noted in my report to the Committee. I would like to set it forth at some length because it leaves no doubt as to the proper interpretation of the first discretionary provision.

As originally enacted in 1978, the special prosecutor provisions of the Ethics in Government Act (the predecessor of the Independent Counsel Act) contained no discretionary provision. As a result, the Department determined that it was unable to seek an independent counsel when allegations were made involving members of the President's family. In 1982, therefore, a bill was introduced that would have extended the mandatory coverage of the Act to members of the President's family. S. 2059, 97th Cong. (1982). As passed by the Senate, S. 2059 included both a mandatory provision requiring appointment of an independent counsel to investigate members of the President's family, and a provision permitting discretionary appointment "if the Attorney General determines that investigation of such person by the Attorney General or other officer of the Department of

Justice may result in a personal, financial, or political conflict of interest, or the appearance thereof." Id. at § 4 (emphasis added).

When the bill was introduced on the House floor, however, it did not contain either the provision for mandatory coverage of the President's family or the language permitting the Attorney General to seek an independent counsel based upon only the appearance of a conflict of interest. As introduced in the House, the section regarding the discretionary appointment of an independent counsel provided that the Attorney General could consider the appointment of an independent counsel only upon a determination that a Department of Justice investigation or prosecution may result in a "personal, financial, or political conflict of interest." The House passed this version of the bill. See 128 Cong. Rec. 30,365-66 (1982). The Senate subsequently concurred in the House amendments and passed the bill, leading to the present language. 128 Cong. Rec. 31,625.

The failure to enact the clause "or the appearance thereof" by Congress is significant. To be sure, one should be careful not to assume reflexively that rejection of language always implies an intent to reject the substance of the language, as noted in the Report to the Attorney General on the misuse of legislative history that you cite. See Report to the Attorney General, Using and Misusing Legislative History: A Re-Evaluation of the Status of Legislative History in Statutory Interpretation 108 (1989) ("rejection of a phrase listing examples of a broad authority cannot be understood to exclude those examples"). That does not mean, however, that an examination of rejected language can never be significant. To the contrary, as the same report recognizes, legislative history may be appropriately used to interpret "the meaning of the statute with the adopted language, as informed by comparison with the rejected language." Id. at 109. That proves to be the case here. Comparing the bill with the "appearance" clause to the one enacted, especially in light of the existence of contemporary statutory language containing just such a clause, see 28 U.S.C. § 528, indicates that the statute as enacted is narrower in scope than it would have been with the "appearance" clause.

This view of the significance of Congress's failure to enact the "appearance" clause into law is borne out by other parts of the legislative history as well. When introducing the bill in the House, Congressman Hall, the floor manager of the bill, emphasized that the omission of the language regarding the appearance of a conflict was deliberate:

> The Senate-passed bill provides that the Attorney General may apply for the appointment of a special prosecutor to investigate persons other than the class

> of individuals specifically covered whenever the Attorney General determines a personal, financial, or political conflict of interest or the appearance thereof may result if an officer of the Department of Justice conducts the investigation. The bill as amended deletes the reference to appearances, and thereby requires the Attorney General to determine that an actual conflict may exist in order to utilize the special prosecutor procedures.

128 Cong. Rec. 30,273 (1982).

Subsequent congressional action has confirmed this interpretation of the phrase "personal, financial, or political conflict of interest." The 1994 re-enactment of the Act added a second discretionary provision governing the investigation of Members of Congress and allowing for the appointment of an independent counsel if the Attorney General determined that such appointment "would be in the public interest." Pub. L. No. 103-270, § 4, 108 Stat. 732, 736 (1994) (codified at 28 U.S.C. § 591(c)(2)). Prior to that time, appointment of an independent counsel to investigate a Member could be made only under the first discretionary provision, which required a determination that prosecution by the Department may "result in a personal, financial, or political conflict of interest." Pub. L. No. 97-409, § 4(a)(2), 96 Stat. 2039, 2040 (1983) (codified as amended at 28 U.S.C. § 591(c)(1)). The Senate Report on the re-enactment discusses the difference between the two discretionary provisions as follows:

> This paragraph [now section 591(c)(2)] removes the requirement under current law in 591(c), that, before using the independent counsel process in a case involving a Member of Congress, the Attorney General first determine that an investigation or prosecution by the Department of Justice "may result in a personal, financial, or political conflict of interest." In its place, the section merely requires the Attorney General to determine whether an independent counsel proceeding would be "in the public interest."
>
> This broader standard enables the Attorney General to consider a larger range of factors and to exercise greater discretion in deciding when cases involving Members of Congress should be handled through the independent counsel process. For example, the Attorney General could consider not only whether an actual conflict of interest might result if the Department handled the matter, but also whether an appearance of a conflict of interest might weaken public confidence in the investigation and any prosecution.

S. Rep. No. 103-101 at 36 (1993) (emphasis added). The House Report echoed this view almost verbatim:

> The ability of the Attorney General to use the independent counsel provision with regard to a Member would no longer rest on a determination that investigation or prosecution by the Attorney General or other officer of the Department of Justice "may result in a personal, financial, or political conflict of interest." The broader discretionary provision found in H.R. 811 would permit use of the independent counsel procedure with regard to Members of Congress not only in situations involving conflicts of interests, but also cases involving appearances of conflict and/or any other circumstances where the Attorney General determines that its use would be in the public interest.

H.R. Rep. No. 103-224 at 16 (1993) (footnotes omitted); see also H.R. Conf. Rep. 103-511 at 10 (1994).

In short, the legislative history is clear. Both the Congress that originally enacted the conflict of interest provision, and the Congress that most recently re-enacted the Independent Counsel Act after it had expired in 1992, expressed in the plainest terms their understanding that the discretionary provision that is now section 591(c)(1) applied only when an investigation may result in an actual conflict of interest, rather than the perception or appearance of a conflict of interest.

The legislative history that you reference does nothing to refute this conclusive history. The 1978 Senate Report accompanied the original passage of the Act. Since the Act at that time did not contain any discretionary provision, the Report could not possibly have been interpreting that part of the Act. Rather, it was describing the reasons why coverage of certain officials was made mandatory under the Act. The same is true of my testimony in 1993. As I noted in my report to the Committee, when I referred to the "appearance" of a conflict I was describing the basis for the mandatory provisions of the Act.

The language you quote from Senator Levin is from a floor debate during the course of the 1987 reauthorization of the Act on a proposed amendment that would have provided for mandatory coverage of all Members of Congress under the Act. Senator Levin was making the point that it cannot be validly presumed, as it can with persons covered by the mandatory provisions of the Act, that there is any actual conflict of interest or even an appearance of a conflict of interest when the Department of Justice investigates Members of Congress. Neither Senator

Levin's remarks nor the debate within which they occurred focused upon or even mentioned the discretionary provision or its specific requirements; he was simply providing an accurate general description of the Act and the reasons for its mandatory coverage of a small group of executive branch officials.

Finally, the 1982 Senate Report's discussion of the availability of the discretionary provision of the Act to address an appearance of a conflict of interest is irrelevant because, as I noted above, the Senate version of the discretionary provision, which that report accompanied, contained language expressly providing that the appearance of a conflict was sufficient, language that was dropped from the final bill.

In summary, the language of the statute clearly indicates that section 591(c)(1) can only be invoked if I find that a conflict of interest may arise, not if there is only the appearance of a conflict. Moreover, the legislative history supports this plain reading of the statute.

* * * * *

I have given your legal arguments careful consideration. For the reasons stated above, I do not agree that I have applied an incorrect standard in making my determinations under the Independent Counsel Act. I will continue to apply the requirements of the Act to the facts as we know them, in a dispassionate and non-political fashion, in determining whether at any time I should seek an independent counsel to investigate this matter.

Sincerely,

Janet Reno

cc: The Honorable Patrick J. Leahy
Ranking Minority Member

U. S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

June 20, 1997

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

Dear Mr. Chairman:

This responds to your letter, dated May 21, 1997, which requested certain records pertaining to former Associate Attorney General Webster Hubbell in connection with the Committee's oversight investigation.

Enclosed are public financial disclosure forms filed by Mr. Hubbell while he was employed by the Department. His position did not require filing of confidential (OGE Form 450) or other financial disclosure forms. Any direct deposit forms (Standard Form 1199A) that may have existed for Mr. Hubbell were destroyed shortly after he left the Department in accordance with our established policy regarding the retention of such records. Lastly, we have collected telephone message slips and other records of incoming and outgoing calls relating to Mr. Hubbell, which we would like to discuss with Committee staff at their convenience. Some of these records implicate individual privacy interests and may be of limited utility to the Committee.

I hope that this information is helpful. Please do not hesitate to contact me if you would like additional assistance regarding this or any other matter.

Sincerely,

Andrew Fois
Assistant Attorney General

cc: Honorable Henry Waxman
Ranking Minority Member

Department of Justice Federal Credit Union
A Full Service Financial Institution

June 24, 1997

Judy McCoy
U.S. House of Representatives
Rayburn Building
Washington, DC 20515

Dear Ms. McCoy:

This letter is in response to your Subpoena concerning Webster Hubbell's account with the Justice Federal Credit Union.

I have enclosed per your request, copy of a signature card, copies of statements from January 1, 1994 to present, copies of check deposits and copies of paid checks written on his account.

In regards to Suzanna Ward Hubbell, we have no record of any accounts with the Justice Federal Credit Union.

If further assistance is needed, please do not hesitate to contact me at (703) 528-4100.

Sincerely,

Jennifer E. Powell
Communications Services Representative

P.O. Box 782 ■ Washington, D.C. 20044-0782 ■ (202) 842-3200

U. S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

July 2, 1997

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

Dear Mr. Chairman:

This supplements our response to the Committee's subpoena dated May 8, 1997, regarding the Committee's request for materials pertaining to Webster Hubbell in connection with the Committee's oversight investigation.

Enclosed are 295 audiotapes of telephone conversations responsive to Subpoena Item 2. An index of the audiotapes is included. Many of these audiotapes may implicate the personal privacy interests of Mr. Hubbell and other individuals. Although the Privacy Act prohibits our public disclosure, disclosing them to the Committee in connection with this subpoena is permissible under the Act. See 5 U.S.C. 552a(b)(9). We understand that the Committee appreciates the sensitivity of these audiotapes and will safeguard them accordingly.

I hope that this information is helpful. Please do not hesitate to contact me if you would like additional assistance regarding this or any other matter.

Sincerely,

Andrew Fois
Assistant Attorney General

Enclosures

cc: The Honorable Henry A. Waxman
Ranking Minority Member

DAN BURTON, INDIANA
CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
J. DENNIS HASTERT, ILLINOIS
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
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JOHN E. SUNUNU, NEW HAMPSHIRE
PETE SESSIONS, TEXAS
MIKE PAPPAS, NEW JERSEY
VINCE SNOWBARGER, KANSAS
BOB BARR, GEORGIA

ONE HUNDRED FIFTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

MAJORITY (202) 225–5074
MINORITY (202) 225–5051
TTY (202) 225–6852

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER
TOM LANTOS, CALIFORNIA
BOB WISE, WEST VIRGINIA
MAJOR R. OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
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DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE

BERNARD SANDERS, VERMONT
INDEPENDENT

July 2, 1997

Via Facsimile: 514-9149

Faith Burton
Special Counsel
U.S. Department of Justice
Office of Legislative Affairs
Room 1145
10th Street and Constitution Avenue, NW
Washington, D.C. 20530

Dear Ms. Burton:

The purpose of this letter is to memorialize the House Government Reform and Oversight Committee's request for documents regarding the Stephens Group tax case pending before the U.S. Court of Federal Claims (91-1458T). To recap, the Committee respectfully requests copies of the pleadings in the case as well as a copy of the deposition transcript of Mr. James Riady.

I appreciate having an opportunity to discuss this matter with you this morning and look forward to hearing from you within the next couple of days.

Sincerely,

William Moschella

William E. Moschella
Deputy Counsel

cc: The Honorable Henry Waxman

DAN BURTON, INDIANA
CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
J. DENNIS HASTERT, ILLINOIS
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ONE HUNDRED FIFTH CONGRESS

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House of Representatives
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JOHN F. TIERNEY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE

BERNARD SANDERS, VERMONT,
INDEPENDENT

July 8, 1997

Via Facsimile: 514-9149

Andrew Fois
Assistant Attorney General
U.S. Department of Justice
Office of Legislative Affairs
10th Street and Constitution Avenue, NW
Washington, D.C. 20530

Dear Mr. Fois:

I write to request that the Department of Justice provide the House Government Reform and Oversight Committee with certain documents regarding the Stephens Group tax case pending before the U.S. Court of Federal Claims (91-1458T). Specifically, the Committee respectfully requests copies of the pleadings in the case as well as a copy of the deposition transcript of Mr. James Riady.

Pursuant to its authority under rules 10 and 11 of the House of Representatives, the Committee requires this information to assist it in its ongoing investigation. I appreciate your immediate attention to this important request and also appreciate the assistance of your staff in facilitating this request.

If you have any questions regarding this request, please don't hesitate to contact William Moschella at 255-5074.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: The Honorable Henry Waxman

Subpena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To U.S. Department of Justice SERVE: The Honorable Janet Reno, Attorney General of the United States, 10th & Constitution Avenues, NW, Washington, D.C. 20530

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform and Oversight of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn House Office Building, in the city of Washington, on Tuesday July 15, 1997, at the hour of 12:00 p.m.

To Judy McCoy or U.S. Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 8th day of July, 1997

Dan Burton
Chairman.

Attest: Robin H Carle
Clerk.

Subpena for.....

.....

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.....

before the Committee on the.....

.....

.....

Served.....

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.....

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.....House of Representatives

GPO: 1991 42-417 (m)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform and Oversight
United States House of Representatives

Department of Justice
Serve: The Honorable Janet Reno
Attorney General
Department of Justice
10th and Constitution Avenues, N.W.
Washington, D.C. 20530

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions, please contact the Committee's Chief Investigative Counsel Barbara Comstock at (202) 225-5074.

Definitions and Instructions

1. For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This subpoena calls for the production of records, documents and compilations of data

and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

5. No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3½ inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

Please provide the Committee with the following:

Any bank records related to Banque Indo-Suez obtained during the investigation by the Independent Counsel and/or the Justice Department into the alleged improper actions by Secretary of Commerce Ronald H. Brown, including, but not limited to:

1. All records pertaining to all open or closed checking, savings, NOW, Time, or other deposit or checking accounts, including but not limited to:

   a. Signature cards and account opening forms;

b. Corporate board authorizations, minutes or partnership resolutions;
c. Bank statements;
d. Canceled checks for all items in excess of $300.00;
e. Deposit tickets for all items deposited in excess of $300.00;
f. All items deposited;
g. Credit and debit memos for all items in excess of $300.00;
h. Forms 1099, 1098, or back-up withholding documents; and/or
i. Records involving all cash withdrawals in excess of $300.00 including ATM withdrawals.

2. All documents pertaining to open, closed or unapproved bank loans, extensions of credit or mortgage documents, reflecting loans or extensions of credit to, including but not limited to:

a. Loan applications;
b. Corporate board authorization minutes or partnership resolutions;
c. Loan ledger sheets;
d. Documents (checks, debit memos, cash in tickets, wires in, etc.,) reflecting the means by which loan repayments were made;
e. Documents (bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the loan proceeds;
f. Loan correspondence files, including, but not limited to, letters to the bank, letters from the bank, notes to the file and/or memoranda to the file;
g. Collateral agreements and documents including appraisals or other valuations of collateral;
h. Credit reports;
i. Financial statements;
j. Federal, State, or local tax returns;
k. Notes or other instruments reflecting the obligation to pay;
l. Real estate mortgages, chattel mortgages or other security instruments for loans;
m. Forms 1099, 1098 or back-up withholding documents;
n. Loan amortization statements;
o. All documents submitted to or prepared by or on behalf of any officer, committee or the Board of Directors with respect to the granting, denial, renewal, modification, or review of any such loan, or extension of credit, including, but not limited to, proposals, reports, record(s) of action taken and the reason(s) therefore, notes, memoranda and/or minutes; and/or
p. All documents relating to any meeting, communications and/or contacts with any regulatory or law enforcement agency with respect to any such loan or extension of credit.

3. All documents pertaining to Certificates of Deposit purchased or redeemed, including but not limited to:

a. Copies of the certificate;
b. Corporate board authorization minutes or partnership resolutions;
c. Documents (checks, debit memos, cash in tickets, wires in, etc.,) reflecting the means by which CDS were purchased;
d. Documents (bank checks, credit memos, cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated CDS;
e. Records reflecting interest earned, withdrawn or reinvested;
f. Records reflecting roll-overs; and/or
g. Forms 1099, 1098 or back-up withholding documents.

4. All documents pertaining to open or closed investment or security custodian accounts, IRA, Keogh or other retirement plans, including but not limited to:

a. Documents (e.g., checks, debit memos, cash in tickets, wires in) reflecting the means by which the securities were purchased;
b. Documents (e.g., bank checks, credit memos, cash out tickets, wires out, etc.) reflecting disbursement of the proceeds of any negotiated securities
c. Confirmation slips;
d. Monthly statements;
e. Payment receipts;
f. Safekeeping records and logs;
g. Receipts for receipt or delivery of securities; and/or
h. Forms 1099, 1098 or back-up withholding documents

5. The following records relating to all Cashier's Checks, Manager's Checks, Certified Checks, Bank Checks, Traveler's Checks, and Money Orders purchased and/or negotiated:

a. All records required to be maintained pursuant to 31 C.F.R. 103.24;
b. Documents (e.g., checks, debit memos, cash in tickets, wires in) reflecting the means by which the checks or money orders were purchased;
c. Documents (e.g., bank checks, credit memos cash out tickets, wires out, etc.,) reflecting disbursement of the proceeds of any negotiated checks or money orders;
d. Applications for purchase of checks or money orders; and/or
e. Retained copies of negotiated checks or money orders.

6. All documents pertaining to wire transfers sent and/or received by the Banque Indo-Suez, including but not limited to:

a. Fed Wire, CHIPS, SWIFT, or other money transfer or message documents;
b. Documents (e.g., checks, debit memos, cash in tickets, wires in) reflecting the source of the funds wired out;
c. Documents (e.g., bank checks, credit memos, cash out tickets, wires out) reflecting the ultimate disposition within the bank of the funds wired in; and/or
d. Notes, memoranda or other writings pertaining to the sending or receipt of wire transfers.

7. All CTR's (Form 4789) and CMIR's (Form 4790) concerning currency transactions conducted by or on behalf of the Banque Indo-Suez, whether or not filed with the Department of Treasury, Internal Revenue Service or the United States Customs Service by the bank.

DAN BURTON, INDIANA
CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
J. DENNIS HASTERT, ILLINOIS
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
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MIKE PAPPAS, NEW JERSEY
VINCE SNOWBARGER, KANSAS
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ONE HUNDRED FIFTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

MAJORITY (202) 225–5074
MINORITY (202) 225–5051
TTY (202) 225–6852

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JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE

BERNARD SANDERS, VERMONT
INDEPENDENT

July 9, 1997

VIA FACSIMILE (202) 514-3003

Mr. Lee J. Radek
Office of Public Integrity
Department of Justice
P. O. Box 27518
McPherson Station
Washington, D.C. 20038

Dear Radek:

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform and Oversight hereby requests certain records.

Definitions and Instructions

(1) For the purposes of this request, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, external and internal correspondence, diagrams, diaries, disks, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include

all other records, documents, data and information of a like and similar nature not listed above.

(2) For purposes of this request, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

(3) This request calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

(4) The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this request the broadest reading.

(5) No records, documents, data or information called for by this request shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

(6) If you have knowledge that any requested record, document, data or information has been destroyed, discarded or lost, including, but not limited to, identify the requested records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

(7) When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by data, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

(8) This request is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

Requested Items

1. A first generation, legible copy of John Huang's Department of Commerce appointments calendar, with all pages included.

2. First generation, legible copies of all of John Huang's telephone logs and telephone message records.

Please provide the requested items to the Committee by July 23, 1997. If you have any questions, please contact Investigative Counsel Alicemary Leach at 226-2299.

Thank you for your prompt attention to this matter.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman

U. S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

July 15, 1997

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

Dear Mr. Chairman:

This responds to your letter, dated May 23, 1997, which requested a copy of the deposition of Mr. John Dickerson, of the CIA's Office of Intelligence Liaison at the Department of Commerce, which was taken in a civil case, Judicial Watch, Inc. v. U.S. Department of Commerce. We understand that this request relates to the Committee's pending oversight investigation.

Enclosed is a redacted copy of the transcript, which has been filed with the Court. In accordance with the usual third agency practice, we consulted with the CIA about the availability of the complete transcript. We were advised that the complete transcript is classified because it contains information that originated with the CIA and it is currently under seal in the pending litigation. Under these circumstances, we are referring your request to the CIA for direct response to the Committee.

I hope that this information is helpful. Please do not hesitate to contact me if you would like additional assistance regarding this or any other matter.

Sincerely,

Andrew Fois
Assistant Attorney General

cc: Honorable Henry Waxman
Ranking Minority Member

Robert Caudle
Chief, Litigation Section
Office of the General Counsel
Central Intelligence Agency

U. S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

July 15, 1997

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

Dear Mr. Chairman:

This responds to your letter, dated July 8, 1997, which requests certain documents relating to the Committee's oversight investigation. Specifically, you requested copies of pleadings and a deposition transcript in a tax refund case relating to the Stephens Group, which is pending in the U.S. Court of Federal Claims.

Enclosed is a copy of the deposition transcript in response to your request. We are still in the process of collecting the pleadings in the case and will supplement this response to you as soon as possible.

Please do not hesitate to contact me if you would like additional assistance regarding this or any other matter.

Sincerely,

Andrew Fois
Assistant Attorney General

Enclosure

cc: Honorable Henry Waxman
Ranking Minority Member

U. S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

July 15, 1997

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

Dear Mr. Chairman:

This responds to the Committee's subpoena, dated July 8, 1997, for records relating to the Banque Indosuez in connection with the Committee's oversight investigation.

Enclosed are records responsive to the subpoena. Several documents have been withheld in their entirety based upon the Right to Financial Privacy Act, 12 U.S.C. 3420(a)(2), and/or Rule 6(e) of the Federal Rules of Criminal Procedure. There also are redactions in some of the enclosed records based upon Rule 6(e). Additionally, the enclosed records implicate individual privacy interests and may be covered by the Privacy Act, although they are provided to the Committee in accordance with 5 U.S.C. 552a(b)(9). We request that the Committee treat them with the sensitivity that they deserve.

Please do not hesitate to contact me if you would like additional information about this or any other matter.

Sincerely,

Andrew Fois
Assistant Attorney General

Enclosures

cc: Honorable Henry Waxman
Ranking Minority Member

DAN BURTON, INDIANA
CHAIRMAN
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BERNARD SANDERS, VERMONT
INDEPENDENT

July 23, 1997

The Honorable Janet Reno
Attorney General
U.S. Department of Justice
10th and Constitution Avenue, N.W.
Washington, D.C. 20530

Dear General Reno:

On May 16, 1997, the Department of Justice entered into a plea agreement with Gene and Nora Lum. The plea agreement gave them immunity from criminal prosecution in exchange for their cooperation with the Department's investigation into allegations of violations of campaign finance and related criminal laws. Nonetheless, in response to a July 18, 1997 inquiry by this Committee, the Department advised that it opposes granting the Lums complete congressional immunity as well as congressional immunity identical to the immunity already granted by the Department.

In light of the importance to the Committee and the American people of obtaining the Lums' testimony, I respectfully request that you explain to the Committee, by July 25, 1997, and in writing, why the Department opposes a congressional grant of immunity identical to the immunity already granted by the Department.

Sincerely,

Dan Burton
Chairman

cc: All Members, House Government
Reform and Oversight Committee

U. S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

July 24, 1997

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

Dear Mr. Chairman:

This responds to a Committee staff request for copies of phone messages and schedules of Webster Hubbell in connection with the Committee's oversight investigation. Enclosed are the copies of the phone messages and schedules which are responsive to this request.

Many of these messages and/or schedules may implicate the personal privacy interests of Mr. Hubbell and other individuals. We understand that the Committee appreciates the sensitivity of this material and will safeguard it accordingly.

I hope that this information is helpful. Please do not hesitate to contact me if you would like additional assistance regarding this or any other matter.

Sincerely,

Andrew Fois
Assistant Attorney General

Enclosures

cc: The Honorable Henry A. Waxman
Ranking Minority Member

DAN BURTON, INDIANA
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ONE HUNDRED FIFTH CONGRESS

Congress of the United States

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BERNARD SANDERS, VERMONT
INDEPENDENT

August 1, 1997

The Honorable Janet Reno
Attorney General
United States Department of Justice
10th and Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Via Facsimile: 514-9149

Dear General Reno:

On July 15, 1997, Assistant Attorney General Andrew Fois wrote me in response to a July 8, 1997, House Government Reform and Oversight Committee subpoena for records relating to the Banque Indosuez. In his letter he indicated that the Department is withholding responsive documents "based on the Right to Financial Privacy Act, 12 U.S.C. 3420 (a)(2) and/or Rule 6(e) of the Federal Rules of Criminal Procedure."

I would appreciate your providing the Committee with a log of the documents which the Department is withholding under the Right to Financial Privacy Act or Rule 6(e) of the Federal Rules of Criminal Procedure. The log should contain a description of document, including its date, contents, source or origin, and the reason for withholding it. Furthermore, I would appreciate your providing the Committee with copies of the Department's briefs in United States v. Interstate Dress Carriers, Inc., 280 F.2d 52 (1960) and In re Request for Access to Grand Jury Materials Grand Jury No. 81-1, Miami, 833 F.2d 1438 (1987). Please produce the requested items to the Committee by August 6, 1997.

Thank you for your attention to this important matter.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman

U. S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

AUG 6 1997

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

Dear Mr. Chairman:

We have received your letter requesting first-generation copies of certain documents originated within the United States Department of Commerce. As we have advised in discussions with your Committee staff, we have referred this matter to the Department of Commerce, which will be prepared to furnish the requested documents.

Thank you for bringing your request to our attention. Please do not hesitate to contact me if we can be of further assistance with regard to this or any other matter.

Sincerely,

Andrew Fois
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

DAN BURTON, INDIANA
CHAIRMAN
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ONE HUNDRED FIFTH CONGRESS

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BERNARD SANDERS, VERMONT
INDEPENDENT

August 7, 1997

Via Facsimile (202) 514-9149 & U.S. Mail

The Honorable Janet Reno
Attorney General
United States Department of Justice
10th and Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear General Reno:

On May 12, 1997, the House Committee on Government Reform and Oversight requested various records from the U.S. Department of Commerce Inspector General regarding an inquiry by that office into certain matters relating to the late Commerce Secretary Ronald H. Brown. On May 21, 1997, the Committee received a letter from Francis D. DeGeorge, Inspector General of the Department of Commerce, declining the Committee's request. The Committee then subpoenaed those and other documents on May 30, 1997.

The Committee was informed in a June 9 letter from Inspector General DeGeorge that the Department of Justice ("DOJ") directed him not to disclose certain responsive documents pending discussions between your staff and the Committee's staff. The Committee's exercise of legitimate oversight should not be suspended because the DOJ is also interested in the documents. It has been over two months since the Committee's first request to the Commerce Inspector General.

The documents in question were originated in the offices of the Commerce Inspector General. While I understand that these documents may be of interest to DOJ's ongoing investigation, there is no doubt that a large number of documents the Committee has subpoenaed or requested and received from the Commerce Department, the White House, and other agencies also may relate to ongoing investigations. Congress has a separate and distinct role in investigating possible misconduct in government agencies that should not be obstructed. Congress and this Committee should not be delayed in investigating misfeasance, malfeasance, or maladministration.

I am writing the Inspector General of the Department of Commerce requesting that he fully comply with the Committee's May 30, 1997 subpoena duces tecum no later than August 11, 1997. If you have any questions regarding this matter, your staff should contact William Moschella of my staff at 202-225-5074.

Thank you for your attention to this important matter.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman

[illegible]
CHAIRMAN
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BERNARD SANDERS, VERMONT
INDEPENDENT

August 11, 1997

Via Facsimile (202) 514-9149 & U.S. Mail

The Honorable Janet Reno
Attorney General
United States Department of Justice
10th and Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear General Reno:

On July 15, 1997, Assistant Attorney General Andrew Fois wrote me in response to a July 8, 1997, House Government Reform and Oversight Committee subpoena for records relating to the Banque Indosuez. In his letter he indicated that the Department of Justice ("DOJ") is withholding responsive documents "based on the Right to Financial Privacy Act, 12 U.S.C. 3420 (a)(2) and/or Rule 6(e) of the Federal Rules of Criminal Procedure."

On August 1, 1997, I wrote to you requesting that you provide, by August 6, 1997, the Committee with a log of the documents you have decided to withhold from the Committee. I also requested copies of two DOJ court briefs, both public documents, to be delivered to the Committee. That deadline has passed.

The Committee takes its oversight responsibilities seriously and does not issue subpoenas to the Department of Justice without thoughtful consideration and good reason. I trust that you give such subpoenas and other information requests the attention they deserve. I would appreciate your cooperation by producing the requested items to the Committee immediately. If your staff has any questions about this matter, they should contact the William Moschella of the Committee staff at 202-225-5074.

Thank you for your attention to this important matter.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: The Honorable Henry Waxman

DAN BURTON, INDIANA
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BERNARD SANDERS, VERMONT
INDEPENDENT

August 13, 1997

VIA FAX (202) 616-2582
Mr. Johnny Stokes
Immigration and Naturalization Service
7100 Chester Arthur Building
425 I Street, N.W.
Washington, D.C.

Re: "A" Files of Select Individuals

Dear Mr. Stokes:

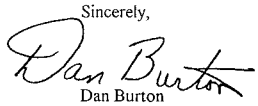
Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee hereby requests certain records. Please provide the Committee with a copy of any I94 records and the entire contents of the alien registration a.k.a. "A" files of the following individuals:

Name of Individual:	Birthdate:	Social Security Number:
Chen, Ming	[redacted]	[redacted]
Cheng, Zhengwei		
Da-Silveira, Ricor		
Elnitiarta, Jessica G.		
Fu, Violetta		
Fukunaga, Teruyoshi		
aka Fukunaga, Hogen		
Gan, Tiang Hua		
Huang, Jane Wing		
a.k.a. Jane Wing Soo Hoo		
Huang, John		
Jiaravanon, Sumet		
Jun, Wang		

Kanchanalak, Boonchob
Kanchanalak, Chupong
Kanchanalak, Pauline
    a.k.a. Pornpimol Kanchanalak
Kanchanalak, Praitun
Kronenberg, Duangnet
    a.k.a. Duangnet G. Kanchanalak
    a.k.a. Georgie Kronenberg
Kronenberg, Roger Phillip
Kusnadi, Melissa
Kwan, Mary
Lano-Utomo, Jujung J.
Li, Yiping
Lin, Fu Qiang
Lin, Jiang-Ling
Loutchansky, Grigori
Matsukata, Nao
Ong, Bie Chuan
Riady, James
Riady, Aileen
Sieong, Ted
    aka Wong, Sioeng San
Setiawan, Agus
Shao, Zhengkang
Silva, Herran
Su, Yongli
Sugita, David
Sund, Joseph
Tamraz, Roger
Tanaka, Yoshia
Tashima, Cindy K.
Tirtadji, Roy
Trie, Wang-Mei
Wang, Nina
Wang, Xiping
White, Virginia H.
Yeh, David T.
Yuanyi, Lao
    aka Lao, Yunyi
    aka Lao, Yuanyi
Zhan, Keshi
Zhang, Ying

Please produce the requested items to the Committee by Monday, August 25, 1997. If you have any questions, please contact the Committee's Chief Investigative Counsel, Barbara J. Comstock on (202) 225-5074, Senior Investigative Counsel Tim Griffin on (202) 225-5074, or Senior Investigator for International Affairs Dr. Jay Jakub on (202) 226-2299.

Sincerely,



Dan Burton
Chairman

cc: The Honorable Henry Waxman

U. S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

September 11, 1997

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

Dear Mr. Chairman:

I am writing in response to your letter regarding your Committee's wish to obtain certain documents relating to the late Secretary of Commerce, Ronald H. Brown, which are in the possession of the United States Department of Commerce, Office of Inspector General. We have advised that Office that the documents which you have not already received may be released to your Committee. Your staff should contact that Office directly to arrange to obtain the documents.

Thank you for writing, and please do not hesitate to contact me if we can be of further assistance with this or any other matter.

Sincerely,

Andrew Fois
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

The Honorable Frances DeGeorge
Inspector General
Department of Commerce

DAN BURTON, INDIANA
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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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BERNARD SANDERS, VERMONT
INDEPENDENT

September 17, 1997

The Honorable Janet Reno
Attorney General
United States Department of Justice
10th and Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Reno:

Pursuant to the enclosed letter from Chairman Burton and Ranking Minority Member Waxman of the Committee on Government Reform and Oversight, requesting your position on immunity for the witnesses, Manlin Foung, Joseph Landon and David Wang, please find enclosed information on two of these three witnesses. Faith Burton of your office has been advised that we will supplement this when we receive further information concerning Joseph Landon which should be within the next few hours.

Thank you for your immediate attention to this matter.

Sincerely,

Richard D. Bennett

Richard D. Bennett
Chief Counsel

Enclosure

cc: Lee Radek, Esq.
Chief, Public Integrity Section, DOJ

Faith Burton, Esq.
Senior Counsel, Office of Legislative Affairs, DOJ

Kenneth M. Ballen, Esq.
Chief Minority Counsel
Government Reform and Oversight Committee

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BERNARD SANDERS, VERMONT
INDEPENDENT

September 17, 1997

The Honorable Janet Reno
Attorney General
United States Department of Justice
10th and Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear General Reno:

The House Committee on Government Reform and Oversight may consider resolutions directing the House General Counsel to apply for orders, pursuant to 18 U.S.C. §§ 6002 and 6005, immunizing from use in prosecutions testimony and other information provided by Manlin Foung, Joseph Landon, and David Wang at proceedings before or ancillary to the Committee.

We respectfully request that you expeditiously provide the Committee with your position with regard to such Committee action.

Thank you for your attention to this important matter.

Sincerely,

Dan Burton
Chairman

Henry Waxman
Ranking Minority Member

David Wang

[redacted]

Manlin Foung

[redacted]

Joseph R. Landon
SSN:
DOB:

[redacted]

U. S. Department of Justice

Criminal Division

Office of the Assistant Attorney General *Washington, D.C. 20530*

September 18, 1997

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

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

Re: Manlin Foung, Joseph Landon and David Wang

Dear Chairman Burton and Congressman Waxman:

This is in response to the Government Reform and Oversight Committee's request of September 17, 1997, for the position of the Department of Justice on the Committee's intention to request a United States District Court to grant immunity to Manlin Foung, Joseph Landon and David Wang and to order those persons to testify first in depositions taken by Committee staff and then publicly before the Committee. The Department does not object to the Committee requesting the Court to grant immunity to those persons and compel them to testify. The Department also hereby waives the requirement of 18 U.S.C. § 6005(b)(3) that the Committee provide the Justice Department with ten days' advance notice of its intention to seek immunity orders for Ms. Foung and Messrs. Landon and Wang and compel their testimony. In addition, the Justice Department does not intend to exercise its authority under 18 U.S.C. § 6005(c) to file applications with the District Court for deferrals of no more than twenty days in the Court's issuance of immunity orders for Ms. Foung and Messrs. Landon and Wang.

We understand that if, after deposing any of these witnesses, the Committee decides not to have a particular witness testify in a public hearing, the Committee will seal that witness's deposition in order to ensure that his or her

statements during the deposition are not released to the public or the government. Doing so would help reduce Kastigar problems in any subsequent criminal prosecutions.

Please contact me if I may provide any additional information.

Sincerely,

Mark M Richard
Acting Assistant Attorney General

U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535

September 22, 1997

Honorable Dan Burton
Chairman
Committee on Government
Reform and Oversight
House of Representatives
Washington, D.C. 20535

Dear Chairman Burton,

Enclosed is a Macintosh CD ROM, which you and Director Freeh discussed and which contains all the information retrieved from the March F Eu, computer hard drive.

This information is provided pursuant to the request from you on behalf of your Committee.

If I can be of any further assistance, please do not hesitate to call.

Sincerely yours,

John E. Collingwood
Office of Public and
Congressional Affairs

[redacted]

DAN BURTON, INDIANA
CHAIRMAN
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ONE HUNDRED FIFTH CONGRESS

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2157 RAYBURN HOUSE OFFICE BUILDING
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THOMAS H. ALLEN, MAINE

BERNARD SANDERS, VERMONT
INDEPENDENT

September 26, 1997

Honorable Doris Meissner
Commissioner, U.S. Immigration and Naturalization Service
Chester A. Arthur Building
Suite 7100
425 Eye Street, N.W.
Washington, D.C. 20536

Dear Ms. Meissner,

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform and Oversight is conducting an investigation into foreign contributions to the Democratic National Committee, other alleged campaign fundraising abuses, questionable contributions made to the President's legal defense fund and/or the legal defense funds of administration officials and/or misuse of agency resources, and related matters arising out of these areas.

Please conduct a search of your agency's Manual Records and a search of the following databases maintained by your agency: CIS, STSC, NIIS, Claims, and RAP for the following individuals. The committee is interested in obtaining all the information the INS possesses on the listed individuals, including, but not limited, to the contents of any Alien Registration files and all automated records of Arrival/Departure Record(s) (Form I-94).

Name	DOB	Alien Registration Number (If Known)
CHEN, Ming	[redacted]	[redacted]
CHU, Yue Fang		
ELNITIARTA, Jessica G.		
GAN, Tiang Hua		
HUANG, Jane Wing		
a/k/a Jane Wing Soo HOO		
HUANG, John		

KANCHANALAK, Praitun
KANCHANALAK, Pauline
a/k/a KANCHANALAK, Pornpimol
a/k/a PARACHATTKUL, Pornpimol
KRONENBERG, Duangnet
a/k/a KANCHANALAK, Duangnet
a/k/a KRONENBERG, Georgie
LANO-UTOMO, Jujung J.
LI, Yiping
LIN, Juang-Ling
LIPING, Chen
LIU, Bei Bei
ONG, Bie Chuan
RIADY, James
SIEONG, Ted
a/k/a WONG, Sieong San
SETIAWAN, Agus
SHAO, Dong
SHAO, Zhengkang
SILVA, Hernan
SU, Yongli
SUGITA, David
SUND, Joseph
WANG, Zheng
ZHAN, Keshi
ZHANG, Yuebin



Please call Robert Rohrbaugh at (202) 226-2299 if you have any questions regarding this request.

Very truly yours,

Richard D. Bennett
Chief Counsel

cc: Kenneth Ballen, Esq.

DAN BURTON, INDIANA
CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
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ONE HUNDRED FIFTH CONGRESS

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House of Representatives
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JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE

BERNARD SANDERS, VERMONT
INDEPENDENT

October 6, 1997

Honorable Doris Meissner
Commissioner, U.S. Immigration and Naturalization Service
Chester A. Arthur Building
Suite 7100
425 Eye Street, N.W.
Washington, D.C. 20536

Dear Ms. Meissner,

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform and Oversight is conducting an investigation into foreign contributions to the Democratic National Committee, other alleged campaign fundraising abuses, questionable contributions made to the President's legal defense fund and/or the legal defense funds of administration officials and/or misuse of agency resources, and related matters arising out of these areas.

Please conduct a search of your agency's Manual Records and a search of the following databases maintained by your agency: CIS, STSC, NIIS, Claims, and RAP for the following individuals. The committee is interested in obtaining all the information the INS possesses on the listed individuals, including, but not limited, to the contents of any Alien Registration files and all automated records of Arrival/Departure Record(s) (Form I-94).

Name	DOB	Alien Registration Number (If Known)
Antonio PAN	[redacted]	
a/k/a Yuan Pei PAN		
a/k/a Antonio Y.P. PAN		

Please call Robert Rohrbaugh at (202) 226-2299 if you have any questions regarding this request.

Very truly yours,

Richard D. Bennett
Chief Counsel

cc: Kenneth Ballen, Esq.

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

October 9, 1997

The Honorable Dan Burton
Chairman
Committee on Government Reform
and Oversight
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This is in response to your inquiry regarding the potential testimony of Nora and Gene Lum, who pled guilty to campaign finance violations, and who were recently sentenced in United States District Court. As you are aware, the Department of Justice entered into an agreement with the Lums in May 1997 in which they agreed to plead guilty, but which did not immunize the Lums from further investigation or prosecution. In fact, while the agreement indicated that the Lums could no longer be prosecuted for campaign financing violations, it specifically provided that the Department of Justice would continue to investigate the Lums' financial dealings, and we are currently pursuing that investigation along with agents from the Federal Bureau of Investigation and the Internal Revenue Service.

The Lums' plea agreement was carefully negotiated and drafted to protect the continuing criminal investigation. As a result, the agreement stated that the Lums would continue to have their Fifth Amendment privileges, and they were not compelled to testify or provide information. In fact, rather than immunizing the Lums' statements, the plea agreement specifically stated that the Department of Justice could use their statements to gather leads in the continuing investigation.

You have indicated that the Committee on Government Reform and Oversight would like to obtain testimony from the Lums, but that the Lums have indicated that they will assert their Fifth Amendment privileges and refuse to testify. As we have previously informed the Committee, any effort to compel the Lums'

testimony at this time, or to grant immunity to the Lums, would cause serious and irreparable harm to the ongoing criminal investigation. If the Lums were compelled to testify before the Committee, all information that the government and its witnesses subsequently gathered in the investigation could be tainted, as the Court of Appeals found in United States v. North, and that taint would present a virtually insurmountable barrier to further prosecution.

You have inquired whether a more limited grant of immunity by Congress would alleviate our concerns. Unfortunately, the applicable statutory framework does not permit a limited grant of immunity. Once a witness is compelled to testify under 18 U.S.C. § 6005, all of the witness's testimony, and all evidence that flows from that testimony, is fully immunized. Immunized witnesses then have a strong incentive to make statements during the course of any compelled testimony that would taint the on-going investigation. In these circumstances, there is no statutory mechanism in place to compel the Lums' testimony without harming the continuing investigation.

We hope that this information is helpful to the Committee. Please contact us if we can be of further assistance in this or any other matter.

Sincerely,

Andrew Fois
Assistant Attorney General

cc: The Honorable Henry A. Waxman
Ranking Minority Member

All Members, House Government Reform
and Oversight Committee

67 356 760

DAN BURTON, INDIANA
CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
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ONE HUNDRED FIFTH CONGRESS

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House of Representatives

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BERNARD SANDERS, VERMONT
INDEPENDENT

October 15, 1997

The Honorable Louis J. Freeh
Director, Federal Bureau of Investigation
J. Edgar Hoover Building
9th Street and Pennsylvania Avenue, N.W.
Washington, D.C. 20535

Re: White House Coffee Videotapes
Committee on Government Reform and Oversight
Subpoena Duces Tecum dated March 4, 1997

Dear Director Freeh:

On October 9, 1997, Staff from this Committee and I met with Charles F.C. Ruff, Counsel to the President, and members of his staff at the White House to discuss the timely turnover of the referenced videotapes and other material specified in the subpoena dated March 4, 1997. At that time, Mr. Ruff advised that he hoped to have this material available for turnover to this Committee by today. Mr. Ruff further advised that pursuant to a Grand Jury subpoena from the Federal Bureau of Investigation ("FBI") dated October 8, 1997, his office intends to turn over the original master tapes and logs to the FBI today in order for the originals to be enhanced at the Engineering Section, FBI, Quantico, Virginia. This Committee would greatly appreciate an enhanced copy of the unedited originals. Inasmuch as a great deal of valuable investigation time has already passed, we would appreciate this material as soon as the FBI's Engineering Section can complete the enhancement and get copies to us.

If there are problems or issues that we are unaware of concerning your compliance with this request, please contact me at (202) 225-5074 as soon as possible so that these problems or issues can be addressed.

Respectfully yours,

Richard D. Bennett
Chief Counsel

cc: Charles F.C. Ruff, Esq.
Counsel to the President
The White House
Washington, D.C. 20500

Kenneth M. Ballen, Esq.

U. S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

October 21, 1997

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

Dear Chairman Burton:

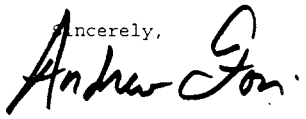
This is in response to your letter of October 15, 1997, to the Director of the Federal Bureau of Investigation (FBI), Louis Freeh, regarding videotapes of White House coffees. You stated that you understood that on October 14 the White House would deliver the master tapes of the coffees to the Campaign Financing Task Force and that the FBI would then enhance the unedited master tapes in order to make conversations easier to understand and reduce background noise. You requested that the Task Force promptly provide the Committee with copies of the enhanced tapes.

By this letter, I am transmitting to you copies of the enhanced versions of the tapes of 13 White House coffees that the FBI determined needed electronic enhancement in order to be more intelligible. The tapes of those coffees were found on 39 master tapes, of what appears to be a total of 44 different White House coffees, that the White House provided the Task Force on October 14. Also enclosed is a brief description of the enhancement process and an index listing the tapes that were enhanced.

It is important to note that the enclosed tapes do not include any of the approximately 100 hours of videotapes that the White House provided the Task Force on October 16. We understand that the White House also provided the Committee with copies of those videotapes and, should the FBI obtain the masters of those tapes and make any enhancements from the masters, we will provide the Committee with copies of those enhancements as well.

Please do not hesitate to contact me if I may be of additional assistance.

Sincerely,



Andrew Fois
Assistant Attorney General

cc: The Honorable Henry A. Waxman
Ranking Minority Member

U. S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

October 21, 1997

The Honorable Fred Thompson
Chairman
Committee on Governmental Affairs
United States Senate
Washington, D.C. 20510

Dear Chairman Thompson:

On October 15, 1997, the Chairman of the House Government Reform and Oversight Committee wrote to the Director of the Federal Bureau of Investigation (FBI), Louis Freeh, regarding videotapes of White House coffees. Chairman Burton stated that he understood that on October 14 the White House would deliver the master tapes of the coffees to the Campaign Financing Task Force and that the FBI would then enhance the unedited master tapes in order to make conversations easier to understand and reduce background noise. Chairman Burton requested that the Task Force promptly provide the Committee with copies of the enhanced tapes.

By this letter, I am transmitting to you duplicate copies of the tapes that we have provided to Chairman Burton in response to his letter. Those tapes contain the enhanced versions of the tapes of 13 White House coffees that the FBI determined needed electronic enhancement in order to be more intelligible. The tapes of those coffees were found on 39 master tapes, of what appears to be a total of 44 different White House coffees, that the White House provided the Task Force on October 14. Also enclosed is a brief description of the enhancement process and an index listing the tapes that were enhanced.

It is important to note that the enclosed tapes do not include any of the approximately 100 hours of videotapes that the White House provided the Task Force on October 16. We understand that the White House also provided the Committee with copies of those videotapes and, should the FBI obtain the masters of those tapes and make any enhancements from the masters, we will provide the Committee with copies of those enhancements as well.

Please do not hesitate to contact me if I may be of additional assistance.

Sincerely,

Andrew Fois
Assistant Attorney General

cc: The Honorable John Glenn (with enclosures)
Ranking Minority Member

Chairman Dan Burton (without enclosures)
House Committee on Government Reform and Oversight

DAN BURTON, INDIANA
CHAIRMAN
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ONE HUNDRED FIFTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

MAJORITY (202) 225–5074
MINORITY (202) 225–[redacted]
TTY (202) 225–[redacted]

HENRY A. WAXMAN, CALIFORNIA
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JOHN F. TIERNEY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE

BERNARD SANDERS, VERMONT
INDEPENDENT

October 22, 1997

The Honorable Janet Reno
Attorney General
United States Department of Justice
10th and Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform and Oversight hereby requests certain records.

Definitions and Instructions

1. For the purposes of this request, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this request, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals

with, or is in any manner whatsoever pertinent to that subject, including but not limited to – records concerning the preparation of other records.

3. This request calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this request the broadest reading.

5. No records, documents, data or information called for by this request shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any request record, document, data or information has been destroyed, discarded or lost, identify the request records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege or any other reason as a ground for withholding any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege or reason asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege or other reason.

8. This request is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3½ inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Requested Items

Please provide the Committee with the following:

1. With regard to any investigation conducted by the FBI during 1990 - 1993 concerning alleged illegal campaign financing activities in the state of Hawaii, please provide the Committee with all records, including but not limited to prosecutorial memoranda and FBI investigative reports (302's), relating to the Luana Hills Country Club; Royal Hawaiian; Hawaiian Riviera; KI - A Consultant Corp; Cal Pacific International, Inc.

2. With regard to any investigation conducted by the FBI during 1990 - 1993 concerning alleged illegal campaign financing activities in the state of Hawaii, please provide the Committee with all records, including but not limited to prosecutorial memoranda, FBI investigative reports (302's), and surveillance recordings and/or surveillance transcripts, reports, or notes, relating to Nora T. Lum, Gene K.H. Lum, Trisha Lum, Nickie Lum, Maxine Lum, former Governor John Waihee, Honolulu City Councilman Leigh-Wai Doo, Hiroshi Kobayashi, Ken Hayashida, Frank Fasi, William Paty, Charles Chidiac, Kathy Nojima, Tong Soo Chung, and Wally Lean.

3. All records related to FBI case "Mercury Action 194A-HN-9541," and FBI case files numbers "194A-HN-9541" and "194A-HN-10020."

4. All audio tapes recorded by Ron Miller and subpoenaed in August 1997 and currently in the temporary custody of the FBI office in Oklahoma City, OK.

Please produce the requested items to the Committee by October 29, 1997. Also, please provide document logs which indicate each document's Bates number, author, description, and source file. If you have any questions, please contact Investigative Counsel, Alicemary Leach at 226-2299.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman

DAN BURTON, INDIANA
CHAIRMAN
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ONE HUNDRED FIFTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

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TTY (202) 225–6852

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HAROLD E. FORD, JR., TENNESSEE

BERNARD SANDERS, VERMONT
INDEPENDENT

October 23, 1997

Louis J. Freeh, Director
Federal Bureau of Investigation
J. Edgar Hoover Building
9th Street and Pennsylvania Avenue, N.W.
Washington, D.C. 20535

Re: Request for Photographs

Dear Mr. Freeh:

I am writing to request the FBI to produce certain photographs to the Committee. It has come to the Committee's attention that the FBI possesses original negatives of a number of photographs taken at the February 19, 1996 Asian-American Democratic National Committee fundraiser by Larry Glenn of "Photo-Op." The FBI obtained these photographs from Mr. Glenn on March 15, 1997. Please produce 8" x 10" prints of all of these photographs to the Committee by October 30, 1997.

If you have any questions about this request, please contact the Committee's Chief Investigative Counsel, Barbara Comstock, at (202) 225-5074. Thank you for your cooperation.

Sincerely,

Dan Burton
Chairman

CHAIRMAN
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J. DENNIS HASTERT, ILLINOIS
CONSTANCE A. MORELLA, MARYLAND
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ONE HUNDRED FIFTH CONGRESS

Congress of the United States

House of Representatives

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JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
HAROLD E. FORD, JR., TENNESSEE

BERNARD SANDERS, VERMONT
INDEPENDENT

October 28, 1997

The Honorable Janet Reno
Attorney General
United States Department of Justice
10th and Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear General Reno:

The White House and the Democratic National Committee have withheld many documents from the Government Reform and Oversight Committee (the "Committee") under the guise of privilege. As you are aware, it is time-consuming to resolve claims of privilege, and it is my view that such claims, casually made, are abusive.

With this in mind, I would like your view on one issue involving a potential conflict of interest between the Department of Justice's participation in the lawsuit over a proposed Indian casino in Hudson, Wisconsin, and this Committee's August 21, 1997, subpoena to the White House for documents pertaining to this matter. We have been conducting an investigation of the alleged improper influence brought to bear on the casino permitting process for many months, and it has become clear in the last few weeks that a number of significant documents had been withheld from this Committee.

According to an October 21, 1997, article in the *Milwaukee Journal Sentinel*, United States Attorney Peg Lautenschlager stated that decisions to claim privilege regarding a number of White House documents were made after "a group of Justice Department attorneys in Washington and Madison reviewed records." A preliminary review of these records by Committee attorneys leads me to conclude that any claim of privilege for most of these documents is not well-grounded in law. If this is the case, it appears that Department of Justice lawyers may have been involved in an effort that either purposefully or indirectly has kept important documents from Congressional investigators, private litigators and the Department of Justice task force investigating campaign finance improprieties.

I would be grateful if you provided answers to the following questions:

(1) Did Department of Justice attorneys have any input into the decision to assert

claims of privilege regarding any documents pertaining to the Hudson Dog Track litigation?

(2) If the answer is yes, what was their recommendation?

(3) If recommendations were made, do you agree with them?

(4) Did Department of Justice attorneys working on the special campaign finance investigation task force review these documents? If not, were they aware that privileges had been claimed and did they make an effort to contest the claims of privilege?

(5) This Committee recently received documents (attached) for which claims of privilege were not made. I am attempting to determine why these documents were not turned over to this Committee at an earlier date. Did the Department of Justice campaign finance task force have access to these documents prior to October 22, 1997, and if so, when did they obtain these documents?

In addition, I request that you provide a list of every Department of Justice attorney or employee involved in the decision to assert claims of privilege in this matter, and the names of all Department of Justice attorneys or employees who have reviewed any documents pertaining to this matter. Furthermore, I would like your views on whether there is a conflict between the investigators on the special campaign finance task force looking into this matter, and the attorneys at the Department who are representing the Administration's interests in the civil lawsuit alleging improper Administration influence.

Thank you for your attention to these matters. I would appreciate a response by Tuesday, November 4, 1997.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman

MEMORANDUM

August 3, 1995

TO: Ms. Loretta Avent
Special Assistant to the President
for Intergovernmental Affairs

FROM: Arlyn Ackley, Sr.
Tribal Chairman
Sokaogon Chippewa Community

RE: Disapproval of Hudson Application for Trust Status

We have been able to obtain information from the Department of the Interior's Indian Gaming Office that their staff people disagreed with the disapproval of our trust application signed by Michael Anderson of the Department of Interior.

All my information indicates that Interior's staff was disappointed and completely disagreed with this decision. In fact, and I quote "there was no real evidence to support disapproval". The staff tells us that the people who made the final decision did not follow § 20 of the Indian Gaming Regulatory Act of 1988. That this decision was purely a discretionary-/political one.

In the letter, Mr. Anderson stated that there was a problem with the St. Croix Waterway. However, the staff tells us that this small issue could have been explained but we were not given the opportunity to respond to this.

The Department of the Interior staff indicated to us that they could not find anything detrimental in our application either to nearby tribes or to surrounding communities. Moreover, Mr. Anderson states that this property acquisition would be detrimental to a nearby tribe.

Another quote from the Department's staff was "What is the point of § 20 if not to be helpful to remote tribes?". They indicated to us that the extraordinary thirty (30) day period that was provided to our opponents which allowed them to submit an additional

economic study did not provide any substantial information that would point to the proposed facility being detrimental to the surrounding communities or tribes. They commented that there are two criteria. One -- it should be in the best interest of the Indian tribe (applicant). Two -- Could not be detrimental to the surrounding communities or nearby tribes. Their indication to us is that they were both disappointed and that they disagreed with the disapproval of the trust application.

As the Chairman of my tribe I must protest the Department of the Interior's treatment of our application for the placing of the Hudson Dog Track into trust status. The Minneapolis BIA Area Director and staff followed the letter of the law in approving our application. The Department of the Interior's staff (per our information) also carefully followed the criteria set out in the Indian Gaming Regulatory Act. However, the people who made the final decision did not.

Finally, if I may reiterate these points which we were able to obtain. (Loretta, they were taken from a telephone conversation, therefore repetitious and redundant.)

1. Staff was disappointed;
2. Decision makers did not fully consider Section 20 IGRA;
3. Staff disagreed with decision;
4. No real evidence;
5. St. Croix waterway question could easily be addressed (We were not given an opportunity to do so.);
6. Staff didn't want to set national precedent of a tribe rejecting another tribe's application;
7. Staff didn't want to set a national precedent of a community rejecting a tribe's application - 6 and 7 would have to be detrimental;
8. Decision makers were worried about being second guessed by the Governor;
9. What is the part of best 20, IGRA if not to helped "remote" tribes?;
10. Political, not factual decision; and
11. Staff could not find anything detrimental to the nearby communities or tribes.

August 17, 1995

URGENT---URGENT---URGENT---URGENT

MEMORANDUM FOR LORETTA T. AVENT

FROM: Ahsha Ali Safai

RE: Hudson

Dwayne Derrickson called and expressed deep concern for the issue his tribe faces on behalf of Chairman Arlyn Ackley . The Chairman is looking for a response to their issue. Chairman Ackley is hoping you will be able to provide some guidance within the next few days because of the fact that he is planned to face his tribal council as well as his tribal community and is expected to have some answers regarding the Hudson case.

Dwayne talked about the importance of this issue being brought to closure. He used the words, "If this issue can't be resolved, then we will have to go to the press, courts, or to the opposition!".

They will be in town next week and were hoping to meet with you. I told them that I expected you to be on travel, but for them to check back with me late today or tomorrow.

Dwayne said that Chairman Ackley hardly asks for help, but in this case they are hoping that you will be able to provide them with some answers. Please advise.

DAN BURTON, INDIANA
CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
J. DENNIS HASTERT, ILLINOIS
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
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THOMAS H. ALLEN, MAINE

BERNARD SANDERS, VERMONT
INDEPENDENT

October 30, 1997

Mr. Lee J. Radek
Office of Public Integrity
Department of Justice
P.O. Box 27518
McPherson Station
Washington, D.C. 20038

Dear Mr. Radek:

Attached is the document request I described in my voice mail message of last week. The Committee requests a first generation photocopy of Jude Kearney's calendars and telephone messages. The copies the Committee has received from the Department of Commerce are illegible and your office holds the originals of these documents.

The Committee sent a similar request to your office in July for a first generation photocopy of John Huang's calendars and telephone messages. The Office of Special Matters in the General Counsel's Office at the Department of Commerce has requested that we handle this request in this manner.

If you have any questions, please do not hesitate to call me at 226-2299. Thank you for your assistance on this matter.

Sincerely,

Alicemary Leach

Alicemary Leach
Investigative Counsel

CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
J. DENNIS HASTERT, ILLINOIS
CONSTANCE A. MORELLA, MARYLAND
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JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE

BERNARD SANDERS, VERMONT
INDEPENDENT

October 30, 1997

VIA FACSIMILE (202) 514-3003

Mr. Lee J. Radek
Office of Public Integrity
Department of Justice
P. O. Box 27518
McPherson Station
Washington, D.C. 20038

Dear Mr. Radek:

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform and Oversight hereby requests certain records.

Definitions and Instructions

(1) For the purposes of this request, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, external and internal correspondence, diagrams, diaries, disks, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

(2) For purposes of this request, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

(3) This request calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

(4) The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this request the broadest reading.

(5) No records, documents, data or information called for by this request shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

(6) If you have knowledge that any requested record, document, data or information has been destroyed, discarded or lost, including, but not limited to, identify the requested records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

(7) When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by data, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

(8) This request is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

Requested Items

1. A first generation, legible copy of Jude Kearney's Department of Commerce appointments calendar, with all pages included.

2. First generation, legible copies of all of Jude Kearney's telephone logs and telephone message records.

Please provide the requested items to the Committee by November 13, 1997. If you have any questions, please contact Investigative Counsel, Alicemary Leach at 226-2299.

Thank you for your prompt attention to this matter.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman

CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
J. DENNIS HASTERT, ILLINOIS
CONSTANCE A. MORELLA, MARYLAND
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[redacted] SOUDER, INDIANA
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ONE HUNDRED FIFTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051
TTY (202) 225-6852

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THOMAS H. ALLEN, MAINE
HAROLD E. FORD JR., TENNESSEE

BERNARD SANDERS, VERMONT
INDEPENDENT

November 4, 1997

The Honorable Janet Reno
Attorney General
United States Department of Justice
10th and Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear General Reno:

On October 28, 1997, I made a request for your views regarding matters related to the Committee on Government Reform and Oversight's subpoena to the White House for documents related to a dispute over a proposed Native American gaming facility in Hudson, Wisconsin. A copy of this letter is attached. As I noted in my earlier letter, I have grave concerns about casual or abusive claims of privilege made regarding a number of the recently produced documents. Although I requested a response by Tuesday, November 4, 1997, I have yet to receive any communication from the Department of Justice. I would greatly appreciate a response prior to our scheduled hearings on November 6 and 7, 1997.

On a related matter, my staff made a request for a meeting with Office of Legal Counsel staff (or their representatives) to discuss the assertions of privilege made for certain documents pertaining to the Hudson gaming facility. This meeting would involve Majority and Minority staff, if they elect to participate.

Although we requested a meeting for today (Tuesday, November 4, 1997), my staff has yet to hear from those involved with scheduling a meeting. I would appreciate your providing a response as to whether Committee representatives will be permitted to meet with Department of Justice attorneys to discuss document production related to the Hudson gaming issue.

Thank you for your attention to this matter.

Sincerely,

Dan Burton

Dan Burton

DAN BURTON, INDIANA
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BERNARD SANDERS, VERMONT
INDEPENDENT

November 12, 1997

The Honorable Janet Reno
Attorney General
United States Department of Justice
10th and Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear General Reno:

On October 28, 1997, I made a request for your views regarding matters related to the Committee on Government Reform and Oversight's subpoena to the White House for documents related to a dispute over a proposed Native American gaming facility in Hudson, Wisconsin. A copy of this letter is attached. On November 4, 1997, I made a follow-up request for an answer to questions asked in my previous letter. A copy of this letter is also attached. To date, you have yet to respond to my inquiries, notwithstanding a verbal assurance from one of your staff that a reply would soon be forthcoming. It is my hope that you will be able to provide a written answer to my questions about the Hudson dog track matter by Friday, November 14, 1997.

I am also attempting to determine whether the Department of Justice task force investigating campaign finance issues has been provided all documents pertaining to the Hudson dog track issue. If the answer is yes, please explain why privileges have been asserted in the civil litigation but have not been asserted in the Department of Justice investigation.

Thank you for your attention to this matter.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman

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BERNARD SANDERS, VERMONT
INDEPENDENT

October 28, 1997

The Honorable Janet Reno
Attorney General
United States Department of Justice
10th and Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear General Reno:

The White House and the Democratic National Committee have withheld many documents from the Government Reform and Oversight Committee (the "Committee") under the guise of privilege. As you are aware, it is time-consuming to resolve claims of privilege, and it is my view that such claims, casually made, are abusive.

With this in mind, I would like your view on one issue involving a potential conflict of interest between the Department of Justice's participation in the lawsuit over a proposed Indian casino in Hudson, Wisconsin, and this Committee's August 21, 1997, subpoena to the White House for documents pertaining to this matter. We have been conducting an investigation of the alleged improper influence brought to bear on the casino permitting process for many months, and it has become clear in the last few weeks that a number of significant documents had been withheld from this Committee.

According to an October 21, 1997, article in the *Milwaukee Journal Sentinel*, United States Attorney Peg Lautenschlager stated that decisions to claim privilege regarding a number of White House documents were made after "a group of Justice Department attorneys in Washington and Madison reviewed records." A preliminary review of these records by Committee attorneys leads me to conclude that any claim of privilege for most of these documents is not well-grounded in law. If this is the case, it appears that Department of Justice lawyers may have been involved in an effort that either purposefully or indirectly has kept important documents from Congressional investigators, private litigators and the Department of Justice task force investigating campaign finance improprieties.

I would be grateful if you provided answers to the following questions:

(1) Did Department of Justice attorneys have any input into the decision to assert

claims of privilege regarding any documents pertaining to the Hudson Dog Track litigation?

(2) If the answer is yes, what was their recommendation?

(3) If recommendations were made, do you agree with them?

(4) Did Department of Justice attorneys working on the special campaign finance investigation task force review these documents? If not, were they aware that privileges had been claimed and did they make an effort to contest the claims of privilege?

(5) This Committee recently received documents (attached) for which claims of privilege were not made. I am attempting to determine why these documents were not turned over to this Committee at an earlier date. Did the Department of Justice campaign finance task force have access to these documents prior to October 22, 1997, and if so, when did they obtain these documents?

In addition, I request that you provide a list of every Department of Justice attorney or employee involved in the decision to assert claims of privilege in this matter, and the names of all Department of Justice attorneys or employees who have reviewed any documents pertaining to this matter. Furthermore, I would like your views on whether there is a conflict between the investigators on the special campaign finance task force looking into this matter, and the attorneys at the Department who are representing the Administration's interests in the civil lawsuit alleging improper Administration influence.

Thank you for your attention to these matters. I would appreciate a response by Tuesday, November 4, 1997.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman

MEMORANDUM

August 3, 1995

TO: Ms. Loretta Avent
Special Assistant to the President
for Intergovernmental Affairs

FROM: Arlyn Ackley, Sr.
Tribal Chairman
Sokaogon Chippewa Community

RE: Disapproval of Hudson Application for Trust Status

We have been able to obtain information from the Department of the Interior's Indian Gaming Office that their staff people disagreed with the disapproval of our trust application signed by Michael Anderson of the Department of Interior.

All my information indicates that Interior's staff was disappointed and completely disagreed with this decision. In fact, and I quote "there was no real evidence to support disapproval". The staff tells us that the people who made the final decision did not follow § 20 of the Indian Gaming Regulatory Act of 1988. That this decision was purely a discretionary-/political one.

In the letter, Mr. Anderson stated that there was a problem with the St. Croix Waterway. However, the staff tells us that this small issue could have been explained but we were not given the opportunity to respond to this.

The Department of the Interior staff indicated to us that they could not find anything detrimental in our application either to nearby tribes or to surrounding communities. Moreover, Mr. Anderson states that this property acquisition would be detrimental to a nearby tribe.

Another quote from the Department's staff was "What is the point of § 20 if not to be helpful to remote tribes?". They indicated to us that the extraordinary thirty (30) day period that was provided to our opponents which allowed them to submit an additional

economic study did not provide any substantial information that would point to the proposed facility being detrimental to the surrounding communities or tribes. They commented that there are two criteria. One -- it should be in the best interest of the Indian tribe (applicant). Two -- Could not be detrimental to the surrounding communities or nearby tribes. Their indication to us is that they were both disappointed and that they disagreed with the disapproval of the trust application.

As the Chairman of my tribe I must protest the Department of the Interior's treatment of our application for the placing of the Hudson Dog Track into trust status. The Minneapolis BIA Area Director and staff followed the letter of the law in approving our application. The Department of the Interior's staff (per our information) also carefully followed the criteria set out in the Indian Gaming Regulatory Act. However, the people who made the final decision did not.

Finally, if I may reiterate these points which we were able to obtain. (Loretta, they were taken from a telephone conversation, therefore repetitious and redundant.)

1. Staff was disappointed;
2. Decision makers did not fully consider Section 20 IGRA;
3. Staff disagreed with decision;
4. No real evidence;
5. St. Croix waterway question could easily be addressed (We were not given an opportunity to do so.);
6. Staff didn't want to set national precedent of a tribe rejecting another tribe's application;
7. Staff didn't want to set a national precedent of a community rejecting a tribe's application - 6 and 7 would have to be detrimental;
8. Decision makers were worried about being second guessed by the Governor;
9. What is the part of best 20, IGRA if not to helped "remote" tribes?;
10. Political, not factual decision; and
11. Staff could not find anything detrimental to the nearby communities or tribes.

August 17, 1995

URGENT—URGENT—URGENT—URGENT

MEMORANDUM FOR LORETTA T. AVENT

FROM: Ahsha Ali Safai

RE: Hudson

Dwayne Derrickson called and expressed deep concern for the issue his tribe faces on behalf of Chairman Arlyn Ackley . The Chairman is looking for a response to their issue. Chairman Ackley is hoping you will be able to provide some guidance within the next few days because of the fact that he is planned to face his tribal council as well as his tribal community and is expected to have some answers regarding the Hudson case.

Dwayne talked about the importance of this issue being brought to closure. He used the words, "If this issue can't be resolved, then we will have to go to the press, courts, or to the opposition!".

They will be in town next week and were hoping to meet with you. I told them that I expected you to be on travel, but for them to check back with me late today or tomorrow.

Dwayne said that Chairman Ackley hardly asks for help, but in this case they are hoping that you will be able to provide them with some answers. Please advise.

CHAIRMAN
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BERNARD SANDERS, VERMONT
INDEPENDENT

November 4, 1997

The Honorable Janet Reno
Attorney General
United States Department of Justice
10th and Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear General Reno:

On October 28, 1997, I made a request for your views regarding matters related to the Committee on Government Reform and Oversight's subpoena to the White House for documents related to a dispute over a proposed Native American gaming facility in Hudson, Wisconsin. A copy of this letter is attached. As I noted in my earlier letter, I have grave concerns about casual or abusive claims of privilege made regarding a number of the recently produced documents. Although I requested a response by Tuesday, November 4, 1997, I have yet to receive any communication from the Department of Justice. I would greatly appreciate a response prior to our scheduled hearings on November 6 and 7, 1997.

On a related matter, my staff made a request for a meeting with Office of Legal Counsel staff (or their representatives) to discuss the assertions of privilege made for certain documents pertaining to the Hudson gaming facility. This meeting would involve Majority and Minority staff, if they elect to participate.

Although we requested a meeting for today (Tuesday, November 4, 1997), my staff has yet to hear from those involved with scheduling a meeting. I would appreciate your providing a response as to whether Committee representatives will be permitted to meet with Department of Justice attorneys to discuss document production related to the Hudson gaming issue.

Thank you for your attention to this matter.

Sincerely,

Dan Burton

Dan Burton

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THOMAS H. ALLEN, MAINE

BERNARD SANDERS, VERMONT
INDEPENDENT

November 23, 1997

Honorable Doris Meissner
Commissioner, U.S. Immigration and Naturalization Service
Chester A. Arthur Building
Suite 7100
425 Eye Street, N.W.
Washington, DC 20536

Dear Ms. Meissner,

The Committee on Government Reform and Oversight is conducting an investigation pursuant to its authority under Rules X and XI of the House of Representatives. As part of its investigation, the Committee requests that you conduct a search of your agency's Manual Records and a search of the following databases maintained by your agency: CIS, STSC, NIIS, Claims, and RAP for the following individuals.

The Committee is interested in obtaining all the information the INS possesses on the listed individuals, including, but not limited, to the contents of any Alien Registration files and all automated records of Arrival/Departure Records(s) (Form I-94).

Sundari ELNITIARATA

Sandra ELNITIARTA

Laureen ELNITIARTA

Yopie ELNITIARTA

Yoahan ELNITIARTA

Ridwan DINATA

Nanny NITIARTA



Subandi TANUWIDJAJA [redacted]

Susanto TANUWIDJAJA [redacted]

Suryanti TANUWIDJAJA

Ping TJHIN SIE

Yap Swat LENG

Please call Robert Rohrbaugh at (202) 226-2299 if you have any questions regarding this request.

Sincerely,

Dan Burton
Chairman

cc: Kenneth Ballen, Esq.

U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

November 24, 1997

Honorable Dan Burton
Chairman
House Government Reform and
Oversight Committee
United States Senate
Washington, D.C.

Dear Chairman Burton:

This is in response to your request that the FBI provide your staff with access to the classified intelligence documents that formed the basis for the briefing that Director Freeh provided to you and Vice Chairman Kerrey on November 14, 1997. We also have been requested to have staff access certain documents that Director Freeh and others discussed in a classified briefing on September 11, 1997.

As you know from your briefings, the documents in question are extraordinarily sensitive and their disclosure could adversely effect the ability of the United States to gather intelligence information or significantly compromise national security. More importantly, disclosure of certain portions of the information could subject confidential sources to serious danger, or even result in their death. We try to balance your legitimate request for access to the documents with our obligation to protect the national security by taking steps to reduce dissemination of the information in the documents outside of the investigation. Accordingly, we respectfully request that your staff access to the documents under the following conditions:

1. The documents will be maintained and reviewed here at FBI Headquarters.

Honorable Dan Burton

2. The documents may not be copied or reproduced.

3. Only the Chairman and Ranking Minority Member and a very limited number of appropriately cleared senior staff may view the documents. I appreciate the staff being identified in advance.

4. The persons examining the documents may take notes that are not verbatim, but must consider those notes to be classified and maintain the notes at the Office of Senate Security. Access to the notes must be limited to those persons encompassed by number 3 above.

5. The persons encompassed by number 3 may not discuss the information contained in the documents with anyone except the persons identified from the process above.

6. The FBI will maintain a log of all persons who receive access to the documents. Any person who receives access to the documents agrees to comply with all of the conditions set forth above.

The documents are redacted to the extent necessary to conceal sources and methods, to protect the integrity of the criminal investigation being conducted by the Campaign Financing Task Force and to remove information unrelated to Campaign Finance/Influence issues.

I apologize for the delay in making available these documents and I hope you understand our concerns about the extreme sensitivity of the information involved and about protection of sources and methods.

Sincerely,

for John E. Collingwood
Inspector in Charge
Office of Public and
Congressional Affairs

1 - Honorable Henry A. Waxman
Ranking Minority Member
House Government Reform and
Oversight Committee
United States Senate
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ONE HUNDRED FIFTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

2157 RAYBURN HOUSE OFFICE BUILDING

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BERNARD SANDERS, VERMONT
INDEPENDENT

December 1, 1997

Craig Isco, Esq.
Counsel to Deputy Attorney General
U.S. Department of Justice
95 Pennsylvania Avenue, N.W.
Room 4127
Washington, D.C. 20530

Dear Mr. Isco,

On September 26, 1997, pursuant to an investigation being conducted by the Committee on Government Reform and Oversight Committee, a request was forwarded to the U.S. Immigration and Naturalization Service for certain records pertaining to individuals related to the investigation (copy attached).

On November 19, 1997 a portion of these records were received from your office. This is a follow-up request and to clarify what records we have and do not have. We have received *nothing* for Ming CHEN, Yue Fang CHU, Jessica ELNITIARTA, Jane WANG, Jujung LANO-UTOMO, Juang-Ling LIN, Chen LIPING, Bei Bei LIU, James RIADY, Dong SHAO, Hernan SILVA, Yongli SU, David SUGITA, Joseph SUND, Zheng WANG and Yuebin ZHANG. At a minimum, INS should have some automated I-94 records if the subjects are not permanent residents, or A-files if they are permanent residents, or potentially both.

We have received A-files for Tiang GAN, John HUANG, Praitun KANCHANALAK, Duangnet KRONENBERG, Bei Chuan ONG, Agus SETIAWAN, Zhengkang SHAO, and Keshi ZHAN.

Finally, while we have not received any A-files, we have received some automated records on Pauline KANCHANALAK, Yiping LI, and Ted SIEONG.

Referring to the production of November 19, 1997, there are some pages missing which do appear to have been redacted; however, there are two large sections of documents that are missing, pages 196 through 261 and 310 through 432. Could you please confirm if these were redacted or if they were left out inadvertently. Further, could you also please have the INS provide to the committee definitive information as to whether or not they possess any

information on the aforementioned individuals for which we have received nothing. On some of the individuals for which we have received nothing, the committee provided "A" numbers.

Please call Robert Rohrbaugh at (202) 226-2299 if you have any questions regarding this request.

Very truly yours,

Richard D. Bennett
Chief Counsel

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BERNARD SANDERS, VERMONT
INDEPENDENT

December 1, 1997

Louis J. Freeh
Federal Bureau of Investigation
J. Edgar Hoover Building
9th Street and Pennsylvania Avenue, NW
Washington, DC 20535

Re: Request for Documents

Dear Director. Freeh:

I am writing to request the FBI to produce certain documents to the Committee. It has come to our attention that the FBI possesses certain original documents that were in the possession of Dwight Linkous of Heber Springs, Arkansas. The majority of the documents concern the possible purchase of the Camelot Hotel in Little Rock, Arkansas by a group of Asian businessmen. Please produce copies of the original documents to the Committee by December 15, 1997.

If you have any questions about this request, please contact the Committee's Chief Investigative Counsel, Barbara Comstock, at (202) 225-5074. Thank you for your cooperation.

Sincerely,

Dan Burton
Chairman

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BERNARD SANDERS, VERMONT
INDEPENDENT

December 2, 1997

The Honorable Janet Reno
Attorney General of the United States
Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Madam Attorney General:

Pursuant to Rule X, clauses 2(b)(1) and 2(b)(2) of the Rules of the House of Representatives, the Committee on Government Reform and Oversight has general oversight responsibilities. In fulfilling our duties under House Rules, the Committee is conducting an investigation into campaign finance improprieties and possible violations of law. The Committee will be convening a hearing entitled "Current Implementation of the Independent Counsel Act" on Tuesday, December 9, 1997, at 10:00 a.m., in room 2154 of the Rayburn House Office building. I would like to request that you appear before the Committee to discuss your recent decision not to appoint an independent counsel.

Please provide 100 copies of your written testimony to the Committee by close of business, Friday, December 5, 1997, to the attention of Teresa Austin. Your entire written testimony will be made part of the hearing record. Furthermore, you will be provided the opportunity to present a preliminary oral statement if you so desire.

Finally, under Section 210 of the Congressional Accountability Act, the House of Representatives must be in compliance with the Americans with Disability Act. If you are in need of special accommodations based on a disability, please contact Judy McCoy, at least four business days prior to the hearing.

The Committee looks forward to hearing your testimony.

Sincerely,

Dan Burton
Chairman

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ONE HUNDRED FIFTH CONGRESS

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BERNARD SANDERS, VERMONT
INDEPENDENT

December 2, 1997

The Honorable Louis J. Freeh
Director
Federal Bureau of Investigation
F.B.I. Building
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535-0001

Dear Mr. Director:

Pursuant to Rule X, clauses 2(b)(1) and 2(b)(2) of the Rules of the House of Representatives, the Committee on Government Reform and Oversight has general oversight responsibilities. In fulfilling our duties under House Rules, the Committee is conducting an investigation into campaign finance improprieties and possible violations of law. The Committee will be convening a hearing entitled "Current Implementation of the Independent Counsel Act" on Tuesday, December 9, 1997, at 10:00 a.m., in room 2154 of the Rayburn House Office building. I would like to request that you appear before the Committee to discuss the recent decision by the Attorney General Reno not to appoint an independent counsel.

In particular, I am requesting that you furnish to the Committee your recent memo to Attorney General Reno on whether or not an Independent Counsel should be appointed. I request this memo be provided to the Committee no later than close of business, Thursday, December 4, 1997.

Please provide 100 copies of your written testimony to the Committee by close of business, Friday, December 5, 1997, to the attention of Teresa Austin. Your entire written testimony will be made part of the hearing record. Furthermore, you will be provided the opportunity to present a preliminary oral statement if you so desire.

Finally, under Section 210 of the Congressional Accountability Act, the House of Representatives must be in compliance with the Americans with Disability Act. If you are in need of special accommodations based on a disability, please contact Judy McCoy, at least four business days prior to the hearing.

The Committee looks forward to hearing your testimony.

Sincerely,

Dan Burton
Chairman

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Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

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December 3, 1997

Via Facsimile: 514-9149

The Honorable Janet Reno
Attorney General
United States Department of Justice
10th and Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Re: Declination Memorandum Relating to Ronald H. Blackley

Dear General Reno:

Pursuant to the Committee on Government Reform and Oversight's oversight responsibilities under House Rule X and XI, I request that you furnish the Committee with a copy of the Department of Justice's declination memorandum relating to Ronald H. Blackley, who served former Secretary of Agriculture Mike Espy as his chief of staff.

I would appreciate your delivering a copy of this memorandum to the Committee office at 2154 Rayburn by 6 p.m. on Thursday, December 3, 1997. If your staff has any questions about this request, they should contact the Committee's Chief Investigative Counsel, Barbara Comstock, at 202-225-5074.

I appreciate your attention to this important request.

Sincerely,

Dan Burton
Chairman

DB/wem
cc: The Honorable Henry Waxman

Office of the Attorney General
Washington, D. C. 20530

December 4, 1997

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

Dear Mr. Chairman:

This letter responds to your letters to FBI Director Freeh and me asking us to provide the Committee with a copy of Director Freeh's recent memorandum to me concerning whether I should request the appointment of an independent counsel with respect to the campaign finance matter.

The Department of Justice, including the FBI, recognizes the Committee's oversight responsibilities in this area and is committed to seeking to satisfy the Committee's legitimate needs for information. As I have done at previous congressional hearings, I will explain at the Committee's hearing next week my decisions regarding appointment of an independent counsel. Because of my responsibility to protect the confidentiality and integrity of our ongoing criminal investigation, however, I must continue to decline to discuss at congressional hearings the evidence developed in our investigation, our investigative strategies, the different views expressed within the Department concerning the many legal and investigative issues we have been considering, or the recommendations I receive regarding issues that arise during this investigation. These issues include, of course, the question continuously before me concerning whether the statutory requirements for appointment of an independent counsel have been triggered.

The memorandum you have requested contains precisely this type of information. Director Freeh has expressed to me his complete agreement with my judgment that our joint responsibility to protect the integrity of ongoing criminal investigations and prosecutorial decisionmaking requires that we decline to provide the memorandum. In fact, Director Freeh informed me that he independently reached the same conclusion before we even discussed the matter.

Our position is based principally on the longstanding Department policy of declining to provide congressional committees with access to open law enforcement files. Congress has been respectful of this policy, which has been applied consistently during Administrations of both parties. Charles J. Cooper, who served as Assistant Attorney General for the Office of Legal Counsel during the Reagan Administration, explained the rationale for this policy in a comprehensive opinion concerning congressional requests for information about decisions under the Independent Counsel Act:

> This policy is grounded primarily on the need to protect the government's ability to prosecute fully and fairly. Attorney General Robert H. Jackson articulated the basic position over forty years ago: "It is the position of this Department . . . that all investigative reports are confidential documents of the executive department of the Government, to aid in the duty laid upon the President by the Constitution to 'take care that the Laws be faithfully executed,' and that congressional or public access to them would not be in the public interest. . . ." 40 Op. Att'y Gen. 45, 46 (1941). Similarly, this Office has explained that "the Executive cannot effectively investigate if Congress is, in a sense, a partner in the investigation. If a congressional committee is fully apprised of all details of an investigation as the investigation proceeds, there is a substantial danger that congressional pressures will influence the course of the investigation." Memorandum for Edward L. Morgan, Deputy Counsel to the President, from Thomas E. Kauper, Deputy Assistant Attorney General, Office of Legal Counsel (Dec. 19, 1969). Other grounds for objecting to the disclosure of law enforcement files include . . . well-founded fears that the perception of the integrity, impartiality, and fairness of the law enforcement process as a whole will be damaged if sensitive material is distributed beyond those persons necessarily involved in the investigation and prosecution process.

Memorandum for the Attorney General from Charles J. Cooper, Assistant Attorney General, Office of Legal Counsel, Re: Response to Congressional Requests for Information Regarding Decisions made Under the Independent Counsel Act, 10 Op. O.L.C. 68, 76 (1986) ("Cooper Opinion").

We have in addition to our immediate concern about compromising the ongoing criminal investigation a more general, but no less substantial, concern that disclosure of such a quintessentially deliberative document "might hamper prosecutorial decision-making in future cases. . . .

Employees of the Department would likely be reluctant to express candidly their views and recommendations on controversial and sensitive matters if those views could be exposed to public scrutiny by Congress upon request." Cooper Opinion, 10 Op. O.L.C. at 77 (emphasis in original).

The need to protect the confidentiality and independence of an ongoing investigation and our prosecutorial decisionmaking is fundamental to the responsibilities Director Freeh and I have under the criminal justice system. We must therefore respectfully decline your request for the memorandum. I am prepared to respond to your questions about my decisions on the appointment of an independent counsel to the fullest extent I can, consistent with my law enforcement responsibilities.

Sincerely,

Janet Reno
Attorney General

cc: The Honorable Henry A. Waxman
Ranking Minority Member

Office of the Attorney General
Washington, D. C. 20530

December 4, 1997

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

Dear Mr. Chairman:

I am in receipt of your letter of December 2, 1997, inviting me to testify before the House Committee on Government Reform and Oversight on December 9, 1997. I very much look forward to the opportunity to testify before your Committee and to answer any and all questions about my decision earlier this week not to request the appointment of an independent counsel. In recent months, I have appeared before both the House and Senate Judiciary Committees, as well as the Senate Intelligence and Governmental Affairs Committees, to testify on related matters regarding the campaign finance investigation and my decisions regarding an independent counsel. I respect the oversight role of the Congress in these matters and am happy to cooperate in every way possible consistent with my responsibilities not to compromise pending investigations.

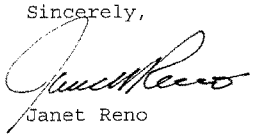
On December 9 and 10, I will be participating in a series of very important bilateral and multi-lateral meetings with Justice and Interior Ministers of "The Eight" countries. These meetings, the result of months of planning and preparation, will address law enforcement issues of critical importance to our nation such as terrorism, drug trafficking, criminal use of the Internet including transmission of child pornography and other transnational crime issues. Beginning at noon on December 9, I will be hosting a series of bilateral meetings here at the Department of Justice with my counterparts from Japan, Italy, Germany and the United Kingdom. Cancellation of these meetings at this last minute would be extremely unfortunate and counterproductive to our efforts to address these important crime issues.

It is equally important, of course, that the Committee hold its hearing and have an opportunity to ask questions about the campaign finance matter. I will be pleased to appear before the Committee on December 9 but wanted to advise the Committee that because of these prior commitments, I should conclude my testimony,

at least for the day, at 11:30 a.m. so that the meetings on transnational crime may proceed as planned during the remainder of the day and on December 10. The Committee's hearing presently is scheduled to begin at 10 a.m, but I would be pleased to begin my testimony at 8:30 or 9:00 a.m. if that would assist the Committee. If these times are not convenient to the Committee, I would be happy to appear at another more appropriate date and time.

Let me reiterate my desire to be fully cooperative with your Committee's efforts and to make myself available to answer every question that you or any Member of the Committee may have. I look forward to working with you to schedule this hearing at a convenient time.

Sincerely,



Janet Reno

cc: The Honorable Henry A. Waxman
Ranking Minority Member

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BERNARD SANDERS, VERMONT
INDEPENDENT

December 4, 1997

The Honorable Janet Reno
Attorney General
United States Department of Justice
10th and Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear General Reno:

I am in receipt of your letter of December 4, 1997, regarding our invitation to you to testify before the House Committee on Government Reform and Oversight on December 9, 1997. In your letter you explained your need to begin your testimony at an earlier time.

Pursuant to your request, we have rescheduled the Committee's hearing to begin at 9:30 a.m. However, as we are making every effort to accommodate your schedule, we request that you be available to testify until 2 p.m.

I look forward to hearing from you on this matter.

Sincerely,

Dan Burton
Chairman

DAN BURTON, INDIANA
CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
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BOB BARR, GEORGIA
ROB PORTMAN, OHIO

ONE HUNDRED FIFTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051
TTY (202) 225-6852

HENRY A. WAXMAN, CALIFORNIA
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HAROLD E. FORD, JR., TENNESSEE

BERNARD SANDERS, VERMONT
INDEPENDENT

December 4, 1997

The Honorable Janet Reno
Attorney General
United States Department of Justice
10th and Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear General Reno:

Pursuant to discussions between our counsel, it is my understanding that you still are reviewing the issue of whether to turn over to the Committee the memo provided to you last week by Director Freeh regarding his views on whether or not to appoint an Independent Counsel in the campaign finance investigation. By letter to Director Freeh on Tuesday, December 2, 1997, (see attached) I requested this memo in preparation for our hearing on Tuesday, December 9, 1997.

As you know, I have asked for this memo by close of business today. As my counsel has explained, we understand that Grand Jury material or other sensitive criminal investigatory material may need to be redacted from the memo. However, I would request that in the interest of providing Congress and the American people with as full and complete information as possible in this important matter, that the redactions be kept to those absolutely necessary under law.

I look forward to hearing from you on this matter.

Sincerely,

Dan Burton
Chairman

DAN BURTON, INDIANA
CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
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HAROLD E. FORD, JR., TENNESSEE

BERNARD SANDERS, VERMONT
INDEPENDENT

December 5, 1997

The Honorable Janet Reno
Attorney General
United States Department of Justice
10th and Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear General Reno:

I am in receipt of your December 5, 1997 letter declining to provide the Committee with a copy of Director Freeh's recent memorandum (hereinafter "Freeh memo") which reportedly recommended the appointment of an Independent Counsel in the campaign finance investigation. *See* Letter from Attorney General Janet Reno to Chairman Dan Burton ("Reno Letter") (December 4, 1997). I respectfully request that you reconsider your decision. Congress has a constitutional obligation to review whether officials of the executive branch faithfully execute the nation's laws and the Freeh memo will assist us in that endeavor.

It is highly unusual that the Attorney General and the Director of the FBI would disagree on a matter which is so wide ranging and is of great national significance. The investigation by the DOJ task force involves issues of great national policy and has potentially serious national security implications. The public must be assured that the investigation is thorough, vigorous, and not tainted by politics. These are the reported reasons why Director Freeh urged you to apply for the appointment of the Independent Counsel.

The public has a right to know why the Director of the FBI is concerned about the progress of the investigation. It has the right to now whether it is effective or not. It has the right to know whether it is a competent investigation or whether the Department is institutionally incapable of conducting this investigation in the appropriate way. Concerns about over compartmentalization, micro management and delay have been reported by the media. The American people deserve to know the truth about the investigation.

In your letter you recognized "the Committee's oversight responsibilities in this area and [the Department of Justice] is committed to seeking to satisfy the Committee's legitimate needs for information." Reno Letter. As you know, the Committee is reviewing many of the same issues that your campaign fund-raising task force is investigating, including determining whether an independent counsel should be appointed to investigate the multitude of matters and questions

raised. You would be doing the American people a service by turning over to the Committee the Freeh memo. The memo and some of its contents have already been extensively reported and confirmed by various government sources. The Committee needs the memorandum to fully carry out its oversight function.

Such disclosure to a congressional committee is far from being unprecedented. The attached memorandum from the nonpartisan Congressional Research Service outlines some of the instances in which the Justice Department disclosed information regarding pending criminal investigations. I will not restate them all here; however, I would like to point out the following notable examples.

- Rocky Flats Environmental Crimes Plea Bargain.--In 1992, the Department turned over to the Subcommittee on Investigations and Oversight of the House Committee on Science, Space, and Technology, FBI field investigative reports and interview summaries, witness interview transcripts, documents submitted to the grand jury not subject to Rule 6(e) of the Federal Rules of Criminal Procedure, and other materials relating to the proceeding.

- Iran-Contra.--In the late 1980's, the Iran-Contra committees overruled the Department's claim that providing certain documents would prejudice the pending or anticipated litigation by the Independent Counsel. DOJ eventually turned over all Justice Department Documents needed for their inquiry.

- EPA Documents.--The House Commerce Committee in the early 1980's, then chaired by Congressman John Dingell, demanded that DOJ turn over certain EPA documents that were being withheld by DOJ. DOJ responded that it would not provide the Committee with access to ongoing criminal files consistent with the longstanding practice of the Department. After a period of negotiation, all of the documents were turned over to the Dingell Committee.

In your letter, you explained that you would not disclose the Freeh memorandum to the Committee because it is "the longstanding Department policy of declining to provide congressional committees with access to open law enforcement files." You quoted at length from a 1986 Office of Legal Counsel opinion which reiterated the basic position of the Department articulated in 1941 by Attorney General Robert H. Jackson. The fact that an agency, such as the Justice Department, has determined for its own internal purposes that a particular item should not be disclosed, or that the information sought should come from one agency source rather than another, does not prevent either House of Congress, or its committees or subcommittees, from obtaining and publishing information it considers essential for the proper performance of its constitutional functions. Notwithstanding the "policy" of the Department, which does not have the force and effect of law, the Supreme Court and lower courts have held

time and again that the investigatory power of Congress is so essential to the legislative function as to be implied from the general vesting of legislative power in Congress. *E.g., McGrain v. Daugherty*, 272 U.S. 135 (1927); *Watkins v. United States*, 354 U.S. 178 (1957); *Barenblatt v. United States*, 360 U.S. 109 (1950); *Eastland v. United States Servicemen's Fund*, 421 U.S. 491 (1975); see also, *United States v. A.T.& T.*, 551 F.2d 384 (D.C. Cir. 1976) and 567 F.2d 121 (D.C. Cir. 1977).

In *Eastland* the Court explained that "'[t]he scope of its power of inquiry ... is as penetrating and far-reaching as the potential power to enact and appropriate under the Constitution.'" *Id.* at 504, n. 15 (quoting *Barenblatt, supra*, 360 U.S. at 111). In *Watkins* the Court further described the breadth of the power of inquiry: "The power of the Congress to conduct investigations is inherent in the legislative process. That power is broad. It encompasses inquiries concerning the administration of existing laws as well as proposed or possibly needed statutes." 354 U.S. at 187. "[T]he first Congresses" held "inquiries dealing with suspected corruption or mismanagement of government officials." *Id.* at 182. In a series of Supreme Court cases, "[t]he Court recognized the danger to effective and honest conduct of the Government if the legislative power to probe corruption in the Executive Branch were unduly hampered." *Id.* at 194-95. Accordingly, the Court stated, it recognizes "the power of the Congress to inquire into and publicize corruption, maladministration, or inefficiencies in the agencies of Government." *Id.* at 200 n. 33.

The foundation cases establishing Congress' broad power to probe arose out of the Teapot Dome investigations, the 1920's scandal regarding oil company payoffs to officials in the Harding Administration. A major concern of the Congressional oversight investigation was the failure of Attorney General Harry M. Daugherty's Justice Department to prosecute the alleged government malefactors. When Congressional committees attempting to investigate came up against refusals to provide information, the issue went to the Supreme Court and provided the Court with the opportunity to issue a seminal decision describing the constitutional basis and reach of congressional oversight. In *McGrain v. Daugherty*, 273 U.S. 135, 151 (1927), the Supreme Court focused specifically on Congress's authority to study "charges of misfeasance and nonfeasance in the Department of Justice." The Supreme Court noted with approval that "the subject to be investigated" by the Congressional committee "**was the administration of the Department of Justice -- whether its functions were being properly discharged or were being neglected or misdirected, and particularly whether the Attorney General and his assistants were performing or neglecting their duties in respect of the institution and prosecution of proceedings to punish crimes**. . . ." *Id.* at 177 (emphasis added). In its decision, the Supreme Court sustained the contempt arrest of the Attorney General's brother for withholding information from Congress, since Congress "would be materially aided by the information which the investigation was calculated to elicit." *Id.* Thus, the Supreme Court unequivocally precluded any blanket claim by the Executive that oversight could be barred regarding "whether the Attorney General and his assistants were performing or neglecting their

duties in respect of the institution and prosecution of proceedings."

More instructive, and illuminating, is a review of the history of important precedents over the last 70 years regarding oversight of the Justice Department itself. The attached memorandum from the Congressional Research Service demonstrates that DOJ has consistently been obligated to submit to Congressional oversight, regardless of whether litigation is pending, so that Congress is not delayed unduly in investigating misfeasance and/or malfeasance in the Justice Department and elsewhere. A number of these investigations spawned seminal Supreme Court rulings that today provide the foundation for the broad Congressional power of inquiry. All involved Executive claims that committee demands for agency documents and testimony were precluded on the basis of constitutional or common law privilege or policy.

In the majority of instances reviewed, investigating committees were provided with documents respecting open or closed cases that included prosecutorial memoranda, FBI investigative reports, summaries of FBI interviews, memoranda and correspondence prepared during the pendency of cases, confidential instructions outlining the procedures or guidelines to be followed for undercover operations and the surveillance and arrests of suspects, and documents presented to grand juries, among other similar "sensitive" materials. The instances of DOJ oversight reviewed, which are not exhaustive of such inquiries, occurred both before and after the 1941 Jackson opinion and the Office of Legal Counsel opinion so heavily relied on by you in your letter.

Unless you can articulate a countervailing constitutionally based privilege or identify a specific provision of law which overcomes this Committee's right to obtain the Freeh memo, I request that you deliver a copy of the memo to the Committee's offices no later than 12 noon, Monday, December 8. Thank you for your consideration of this important request.

Sincerely,

Dan Burton

Dan Burton
Chairman

Enclosure

Office of the Attorney General
Washington, D. C. 20530

December 4, 1997

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

Dear Mr. Chairman:

I am in receipt of your letter of December 2, 1997, inviting me to testify before the House Committee on Government Reform and Oversight on December 9, 1997. I very much look forward to the opportunity to testify before your Committee and to answer any and all questions about my decision earlier this week not to request the appointment of an independent counsel. In recent months, I have appeared before both the House and Senate Judiciary Committees, as well as the Senate Intelligence and Governmental Affairs Committees, to testify on related matters regarding the campaign finance investigation and my decisions regarding an independent counsel. I respect the oversight role of the Congress in these matters and am happy to cooperate in every way possible consistent with my responsibilities not to compromise pending investigations.

On December 9 and 10, I will be participating in a series of very important bilateral and multi-lateral meetings with Justice and Interior Ministers of "The Eight" countries. These meetings, the result of months of planning and preparation, will address law enforcement issues of critical importance to our nation such as terrorism, drug trafficking, criminal use of the Internet including transmission of child pornography and other transnational crime issues. Beginning at noon on December 9, I will be hosting a series of bilateral meetings here at the Department of Justice with my counterparts from Japan, Italy, Germany and the United Kingdom. Cancellation of these meetings at this last minute would be extremely unfortunate and counterproductive to our efforts to address these important crime issues.

It is equally important, of course, that the Committee hold its hearing and have an opportunity to ask questions about the campaign finance matter. I will be pleased to appear before the Committee on December 9 but wanted to advise the Committee that because of these prior commitments, I should conclude my testimony,

at least for the day, at 11:30 a.m. so that the meetings on transnational crime may proceed as planned during the remainder of the day and on December 10. The Committee's hearing presently is scheduled to begin at 10 a.m, but I would be pleased to begin my testimony at 8:30 or 9:00 a.m. if that would assist the Committee. If these times are not convenient to the Committee, I would be happy to appear at another more appropriate date and time.

Let me reiterate my desire to be fully cooperative with your Committee's efforts and to make myself available to answer every question that you or any Member of the Committee may have. I look forward to working with you to schedule this hearing at a convenient time.

Sincerely,

Janet Reno

cc: The Honorable Henry A. Waxman
Ranking Minority Member

12/04/97 THU 09:40 FAX 202 514 8353 DOJ OLA

Subpena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To U.S. Deprartment of Justice SERVE: The Honorable Janet Reno

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform and Oversight of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building, in the city of Washington, on Monday, Dec. 8, 1997, at the hour of 12:00p.m.

To Judy McCoy or U.S. Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 5th day of December, 1997.

Dan Burton
Chairman.

Attest:

Robin H. Carle
Clerk.

Subpena for The Honorable Janet Reno
Attorney General of the United States
Tenth & Constitution Avenues, N.W.
Washington, DC 20530
before the Committee on the
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.....

Served
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.....
.....House of Representatives

GPO: 1991 42-417 (m)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform and Oversight
United States House of Representatives

Attorney General Janet Reno
Serve: Mr. Andrew Fois or Ms. Faith Burton
U.S. Department of Justice
United States Department of Justice
10th and Pennsylvania Avenue, N.W.
Washington, D.C. 20530

The Committee hereby subpoenas certain records. If you have any questions, please contact the Committee's Chief Counsel Mr. Richard D. Bennett at (202) 225-5074.

Subpoenaed Items

Please provide the Committee with the November 1997 memorandum from FBI Director Louis J. Freeh to the Attorney General relating to the Attorney General's decision not to seek the appointment of an Independent Counsel in the matters being investigated by the Department of Justice campaign finance task force.

Office of the Attorney General
Washington, D. C. 20530

December 8, 1997

Honorable Dan Burton
Chairman
Committee on Government
Reform and Oversight
House of Representatives
Washington, D.C. 20515
Dear Mr. Chairman:

We are writing in response to your December 5th letter and subpoenas seeking a copy of the Director's recent memorandum to the Attorney General. The memorandum expresses the Director's views about whether the Attorney General should request the appointment of an independent counsel and about other matters relating to the pending campaign finance investigation.

We remain quite concerned that releasing the Director's memorandum to Congress would compromise the Department's ability to discharge its responsibilities for the fair administration of justice. As a general matter, we feel strongly that the Attorney General's decisionmaking on prosecutorial matters must have the benefit of candid and confidential advice and recommendations from the Director and other Department officials and employees. More specifically, we believe that both the integrity of the criminal justice process and the Government's ability to prevail in particular prosecutions could be threatened by acceding to the Committee's demand.

Public and judicial confidence in the criminal justice process would be undermined by congressional intrusion into an ongoing criminal investigation. Access to the confidential details of an ongoing investigation would place Members of Congress in a position to exert pressure or attempt to influence the prosecution of specific cases, irreparably damaging enforcement efforts.

Moreover, the disclosure of this memorandum could provide a "road map" of our investigation. The document, or information contained therein, could come into the possession of the targets

of the investigation through inadvertence or deliberate act on the part of someone having access to the documents. The investigation could thereby be seriously prejudiced by the revelation of the direction of the investigation or information about the evidence we possess. In addition, the reputation of individuals mentioned in a document like this could be severely damaged by the public release of information about them, even though the case might ultimately not warrant prosecution.

Finally, the Department has reviewed the precedents cited in your letter and in the accompanying Congressional Research Service memorandum. It is unprecedented for a Congressional committee to demand internal decisionmaking memoranda generated during an ongoing criminal investigation. None of the cited examples are to the contrary. In particular, the three prior matters that you highlighted in your letter did not involve ongoing criminal investigations and, therefore, are not relevant precedents.

We have decided for the foregoing reasons that we must respectfully continue to decline your request for the memorandum. We will be prepared at tomorrow's Committee hearing to respond to your questions to the fullest extent we can, consistent with our law enforcement responsibilities. We are hopeful that our participation in the hearing will respond to your concerns. If questions remain after the hearing, we would be willing to discuss them further in a manner that properly accommodates both legislative and executive branch interests.

Sincerely,

Janet Reno
Attorney General

Louis J. Freeh, Director
Federal Bureau of Investigation

cc: The Honorable Henry A. Waxman
Ranking Minority Member

DAN BURTON, INDIANA
CHAIRMAN
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BERNARD SANDERS, VERMONT
INDEPENDENT

December 8, 1997

The Honorable Janet Reno
Attorney General
United States Department of Justice
10th and Pennsylvania, N.W.
Washington, D.C. 20530

Dear General Reno:

We understand that you have requested that you and the FBI Director be on the same panel during our hearing tomorrow, December 9, 1997. We have made the decision to proceed with three separate panels. You will be on the first panel; Director Freeh will be on the second panel; and Independent Counsel Smaltz will be on the third panel.

As you know, there are a number of legal and investigative questions which members of this Committee have for both you and Director Freeh. Given that the questions for each of you may differ substantially, we do intend to have two separate panels to discuss these issues. For example, there are many legal issues which will be solely directed to you and would not necessarily be directed to Mr. Freeh. We believe proceeding with separate panels will be more conducive to thoroughly discussing the issues before us.

As I have previously indicated, we are beginning the hearing at 9:30 a.m. as a result of your request to begin the hearing earlier. However, we would ask that you be available before the committee until approximately 2p.m. We have informed Director Freeh that he will be the second panel which we do not anticipate beginnning until 1p.m. or 2p.m.

We look forward to discussing these matters with you tomorrow.

Sincerely,

Dan Burton
Chairman

CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
J. DENNIS HASTERT, ILLINOIS
CONSTANCE A. MORELLA, MARYLAND
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THOMAS H. ALLEN, MAINE
HAROLD E. FORD, JR., TENNESSEE

BERNARD SANDERS, VERMONT
INDEPENDENT

December 8, 1997

VIA FIRST CLASS MAIL

Maria Olsen
Department of Justice
Office of Legislative Affairs
Tenth Street and Constitution Avenue, N.W.
Washington, DC 20530

Re: Webster Hubbell

Dear Ms. Olsen:

The House Committee on Government Reform and Oversight is conducting an investigation pursuant to its authority under Rules X and XI of the House of Representatives. The Committee has found documentation indicating you had a meeting with Webster Hubbell while he was incarcerated in a federal penitentiary in Cumberland, Maryland. As part of its investigation, the Committee hereby requests your cooperation with regard to matters relating to Mr. Hubbell.

Our records show that Michael Sussman, another Department of Justice employee, and you met with Mr. Hubbell on October 19, 1996 (*see attached*). This is about the time that stories began to surface in the media about Mr. Hubbell's questionable "consulting" contracts, including one with the Riady family and Lippo Group. Please advise the Committee about the purpose of your visit, the substance of your conversation, the nature of your relationship with Mr. Hubbell, and any and all contacts you had with Mr. Hubbell from January 20, 1993.

Please provide a response to the Committee by Friday, December 12, 1997. If you have any questions, please contact Chief Investigative Counsel, Barbara Comstock, at (202) 225-5074. Thank you for your assistance.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman

DATE 05/16/97 FCI CUMBERLAND PAGE 1

VISITING HISTORY FOR INMATE NAME: HUBBELL, WEBSTER
REGISTER NUMBER: 00219-019
DATES 01/01/94 - 05/05/97

00000330

VISIT DATE	NAME	RELATION	PTS
06/30/96	BARRAM, DAVE	FRIEND	1
06/30/96	BARRAM, JOAN	FRIEND	1
07/06/96	HUBBELL, SUZANNA	SPOUSE WIFE	1
07/13/96	HUBBELL, WALTER	CHILD SON ADULT	1
07/21/96	HUBBELL, CAROLINE	CHILD DAUGHTER ADULT	1
07/22/96	KENWORTHY, STUART	CLERGY	1
07/25/96	HUBBELL, SUZANNA	SPOUSE.WIFE	1
08/03/96	HUBBELL, SUZANNA	SPOUSE.WIFE	1
08/08/96	MCFADDEN, NANCY	FRIEND	1
08/09/96	HUBBELL, CAROLINE	CHILD.DAUGHTER ADULT	1
08/11/96	PHILLIPS, JOHN	FRIEND	1
08/19/96	HUBBELL, SUZANNA	SPOUSE.WIFE	1
08/24/96	SHEARER, BROOKE	FRIEND	1
08/30/96	HUBBELL, SUZANNA	SPOUSE WIFE	1
09/14/96	HUBBELL, SUZANNA	SPOUSE WIFE	1
09/19/96	FRIEDMAN, PAUL	FRIEND	1
09/30/96	MC EWEN, STEPHEN	FRIEND	1
10/01/96	MC KEY, RUTH	FRIEND	1
10/03/96	MC KEY, ART	FRIEND	1
10/06/96	HUBBELL, SUZANNA	SPOUSE WIFE	1
10/06/96	PERSE, JOANN	FRIEND	1
10/11/96	HUBBELL, CAROLINE	CHILD DAUGHTER ADULT	1
10/19/96	OLSEN, MARIA	FRIEND	1
10/19/96	SUSSMAN, MICHAEL	FRIEND	0
10/20/96	HUBBELL, SUZANNA	SPOUSE WIFE	1
10/24/96	HUBBELL, SUZANNA	SPOUSE WIFE	1
11/02/96	HUBBELL, SUZANNA	SPOUSE WIFE	1
11/04/96	TURNER, ROY	FRIEND	1
11/09/96	HUBBELL, SUZANNA	SPOUSE WIFE	1

TOTAL VISITS FOR THIS INMATE: 117

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Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
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INDEPENDENT

December 8, 1997

VIA FIRST CLASS MAIL

Michael Sussman
Department of Justice
Computer Crimes Division
Tenth Street and Constitution Avenue, N.W.
Washington, DC 20530

Re: Webster Hubbell

Dear Mr. Sussman:

The House Committee on Government Reform and Oversight is conducting an investigation pursuant to its authority under Rules X and XI of the House of Representatives. The Committee has found documentation indicating you had a meeting with Webster Hubbell while he was incarcerated in a federal penitentiary in Cumberland, Maryland. As part of its investigation, the Committee hereby requests your cooperation with regard to matters relating to Mr. Hubbell.

Our records show that Maria Olsen, another Department of Justice employee, and you met with Mr. Hubbell on October 19, 1996 (*see attached*). This is about the time that stories began to surface in the media about Mr. Hubbell's questionable "consulting" contracts, including one with the Riady family and Lippo Group. Please advise the Committee about the purpose of your visit, the substance of your conversation, the nature of your relationship with Mr. Hubbell, and any and all contacts you had with Mr. Hubbell from January 20, 1993. In addition, if you had contact with Mr. Hubbell in the course of your work on the 1992 campaign please include all such contacts and the nature of your relationship at that time.

Please provide a response to the Committee by Friday, December 12, 1997. If you have any questions, please contact Chief Investigative Counsel, Barbara Comstock, at (202) 225-5074. Thank you for your assistance.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman

ATE [illegible] FCI CUMBERLAND [illegible]

SITING HISTORY FOR INMATE NAME: HUBBELL, WEBSTER
REGISTER NUMBER: [illegible]
DATES: [illegible]

00000330

ISIT DATE	NAME	RELATION	PTS
06/30/96	BARRAM, DAVE	FRIEND	1
06/30/96	BARRAM, JOAN	FRIEND	1
07/06/96	HUBBELL, SUZANNA	SPOUSE WIFE	1
07/13/96	HUBBELL, WALTER	CHILD SON ADULT	1
07/21/96	HUBBELL, CAROLINE	CHILD DAUGHTER ADULT	1
07/23/96	KENWORTHY, STUART	CLERGY	1
07/25/96	HUBBELL, SUZANNA	SPOUSE WIFE	1
08/03/96	HUBBELL, SUZANNA	SPOUSE WIFE	1
08/08/96	MCFADDEN, NANCY	FRIEND	1
08/09/96	HUBBELL, CAROLINE	CHILD DAUGHTER ADULT	1
08/11/96	PHILLIPS, JOHN	FRIEND	1
08/19/96	HUBBELL, SUZANNA	SPOUSE WIFE	1
08/24/96	SHEARER, BROOKE	FRIEND	1
08/30/96	HUBBELL, SUZANNA	SPOUSE WIFE	1
09/14/96	HUBBELL, SUZANNA	SPOUSE WIFE	1
09/29/96	FRIEDMAN, PAUL	FRIEND	1
09/30/96	MC EWEN, STEPHEN	FRIEND	1
10/03/96	MC KEY, RUTH	FRIEND	1
10/03/96	MC KEY, ART	FRIEND	1
10/06/96	HUBBELL, SUZANNA	SPOUSE WIFE	1
10/06/96	PERSE, JOANN	FRIEND	1
10/11/96	HUBBELL, CAROLINE	CHILD DAUGHTER ADULT	1
10/19/96	OLSEN, MARIA	FRIEND	1
10/19/96	SUSSMAN, MICHAEL	FRIEND	0
10/20/96	HUBBELL, SUZANNA	SPOUSE WIFE	1
10/24/96	HUBBELL, SUZANNA	SPOUSE WIFE	1
11/02/96	HUBBELL, SUZANNA	SPOUSE WIFE	1
11/04/96	TURNER, ROY	FRIEND	1
11/09/96	HUBBELL, SUZANNA	SPOUSE WIFE	1

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BERNARD SANDERS, VERMONT
INDEPENDENT

December 8, 1997

The Honorable Louis Freeh
Director, Federal Bureau of Investigation
J. Edgar Hoover FBI Building
Ninth Street and Pennsylvania Avenue, N.W.
Washington, D.C. 20535

Dear Director Freeh:

We understand that the Attorney General has requested that you be on the same panel during our hearing tomorrow, December 9, 1997. The Justice Department has made this request known to us. We have made the decision to proceed with three separate panels. The Attorney General will be on the first panel. You will be on the second panel. Independent Counsel Smaltz will be on the third panel.

As you know, there are a number of legal and investigative questions which members of this Committee have for both you and the Attorney General. Given that the questions for each of you may differ substantially, we do intend to have two separate panels to discuss these issues. For example, there are many legal issues which may be directed only to the Attorney General and would not necessarily be directed to you. We believe proceeding with separate panels will be more conducive to thoroughly discussing the issues before us.

As I have previously indicated, we are beginning the hearing at 9:30 a.m. as a result of the Attorney General's request to begin the hearing earlier. You would then be on the second panel and Independent Counsel Smaltz will be on a third panel. We do not anticipate beginning the second panel until 1p.m. or 2p.m. However, if we were to begin earlier, I will make sure that my staff keeps in touch with your staff so as to keep you apprised of when the committee will begin with your panel. We look forward to discussing these matters with you tomorrow.

Sincerely,

Dan Burton

Dan Burton
Chairman

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BERNARD SANDERS, VERMONT
INDEPENDENT

December 9, 1997

The Honorable Janet Reno
Attorney General
United States Department of Justice
10th and Pennsylvania Avenue, NW
Washington, DC 20530

Dear General Reno,

Thank you for taking the time to answer questions before the House Committee on Government Reform and Oversight. Pursuant to today's hearing, I am attaching records that have been submitted for the public record as well as for your reference in reviewing outstanding matters.

The enclosed records should assist you in your review of possible conflicts of interest you may have with your former Associate Attorney General Webster Hubbell, senior White House aide Mark Middleton, and Presidential friends James Riady, John Huang, Charlie Trie, and an associate of Mr. Trie, Antonio Pan. If there are any questions concerning the attached records, please feel free to call my staff.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman

U. S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

December 9, 1997

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

Dear Mr. Chairman:

This responds to your letters, dated October 28, November 4, November 12, and December 5, 1997, which inquire about pending litigation regarding a gaming proposal known as the Hudson Dog Track in Hudson, Wisconsin and about Committee oversight requests to the White House. I apologize for the delayed response.

At the outset, let me put to rest any suggestion that this Department has invoked executive privilege with respect to any documents in the Hudson Dog Track matter. As you know, we have not been asked by your Committee to produce any documents in this matter and therefore could not have invoked any privilege as against your Committee. Moreover, as we have previously informed your staff, the White House did not consult with the Department in connection with its response to the Committee's document requests. Thus, the Department has only raised privileges with respect to such documents in the context of civil litigation brought by private plaintiffs.

As counsel for the government in the Hudson Dog Track civil case, now pending in federal district court in Wisconsin, the Department has raised privilege objections with respect to plaintiffs' requests for certain White House documents. On September 18th, the Department produced to plaintiffs most of the documents identified by the White House Counsel's Office as responsive to plaintiffs' requests. These documents, which are stamped with numbers WG00001-341, raised no privilege issues. After careful consideration with the Counsel's Office as to whether to raise privilege objections for the remaining documents responsive to plaintiffs' requests, the Department produced the following to plaintiffs on October 17th:

a) documents WG00344-347 and WG00362-363, for which no privilege objection was raised (you will note that WG000345-347 are the same as the documents numbered EOP 069073-75 and attached to your October 28 letter); and

b) a privilege log identifying nine documents as privileged (a copy of the log is attached for your information).

Except for the attorney-client privilege, the privileges identified on the privilege log are all qualified privileges, in the sense that a court may order the disclosure of a privileged document on the ground that the party moving for discovery has demonstrated a need sufficient under established law to justify production of the document. The Department has engaged in discussions with plaintiffs' counsel about their asserted need for the documents listed on the privilege log. On October 27th, the Department produced documents WG00342-343 and WG00348-350 as an accommodation to plaintiffs after their explanation of need and without waiving privilege as to any other document. If the government makes further accommodations with the plaintiffs, the Committee will be advised.

Your December 5 letter asks the Department to "explain why privileges have been asserted in th[e civil lawsuit]." The privilege claims in this case were handled the way such claims are handled in any case. Here, the client agency - the White House - asserted that there were privileges, and it is entirely proper for the White House to seek to protect its privileged communications within the law. The Department determined that there was a good legal basis for the asserted privileges, and raised them in response to the plaintiffs' document request.

Your most recent letter characterizes the Department's identification of privileged documents as "apparently baseless" and offers an analysis by the Congressional Research Service (CRS) to support this conclusion. It should be noted that, now that plaintiffs have filed a motion to compel, a neutral federal judge will decide whether these documents are privileged and, if so, whether plaintiffs have shown a sufficient need to overcome the privilege under the law in these circumstances. We would also note that the CRS memo appears to focus not on the application of privileges in civil litigation, but on a question that this Department has not addressed, namely whether "the privileges claimed are sustainable before your Committee," or whether "a reviewing court would likely find that privileges are overcome by the Committee's need" for the documents. See CRS Memorandum at pp. 1, 36. As I have already emphasized, this Department has not invoked any privilege with respect to these documents as against the Committee; it has only invoked privileges with respect to requests from private litigants.

In accordance with long-standing policy, we do not believe that it would be appropriate to identify the attorneys who have been involved in the decisions in the civil litigation. In addition, in accordance with our long-standing policy about pending criminal investigations, we cannot respond fully to the fourth and fifth questions in your October 28th letter and the additional questions in your November 12th letter, because they relate to the Department's ongoing campaign finance investigation. We can say, however, that no documents that the campaign financing task force has requested from the White House have been withheld on the basis of privilege. There are fundamental differences between the principles governing the access of government criminal investigators to privileged government information and those governing the access of private civil litigants to the same information. It is commonplace that information that is provided within the government to criminal investigators is not necessarily disclosed outside the government.

Finally, you ask whether the Department has a conflict of interest insofar as it is defending the civil lawsuit challenging the Secretary of Interior's denial of the Wisconsin tribes' gaming application at the same time that the Department is investigating certain allegations concerning Secretary Babbitt. As you know, it is not unusual for there to be both civil and criminal proceedings involving the same people and incidents, and in such cases there is not usually a conflict. We examine each case on its facts and do what is in the interest of justice. Here, we have determined at this point that our representation in the civil case and our pursuit of the criminal inquiry do not present a conflict of interest.

I hope this information is helpful to you. We are interested in accommodating the Committee's oversight needs for information and would be pleased to confer further with Committee staff about this matter if that would be helpful. Please do not hesitate to contact me if you would like additional information.

Sincerely,

Andrew Fois
Assistant Attorney General

Enclosure

cc: The Honorable Henry Waxman
Ranking Minority Member

LIST OF DOCUMENTS SUBJECT TO PRIVILEGE
BRUCE LINDSEY SUBPOENA

BATES Number	Date	Document Type/ Distribution	Subject	Bases for Objection
WG000342-WG000343	4/24/95	Memorandum FROM Special Assistant to the President for Intergovernmental Affairs TO Deputy Chief of Staff CC Assistant to the President and Chief of Staff for the First Lady; Associate White House Counsel	Discussion of legal advice Discussion of American Indian gaming policy matters	Subject to Deliberative Process Privilege Subject to Attorney/Client Privilege Subject to Work Product Protection
WG000348-WG000350	4/24/95	Memorandum FROM Senior Policy Analyst, Office of Policy Development TO Associate White House Counsel CC Assistant to the President for Domestic Policy; Assistant to the President for Intergovernmental Affairs; Assistant to the Deputy Chief of Staff for the First Lady	Discussion of legal advice Discussion of American Indian gaming policy matters	Subject to Deliberative Process Privilege Subject to Attorney/Client Privilege Subject to Work Product Protection
WG000351-WG000353	undated	Handwritten notes prepared by Associate White House Counsel	Mental impressions relating to Hudson casino litigation allegations	Subject to Attorney/Client Privilege Subject to Work Product Protection

WG000354-WG000361	8/23/96	Fax cover sheet FROM Dep't of Interior Solicitor's Office TO Associate White House Counsel and attached draft letter	Draft of letter from Interior responding to Congressional inquiry; seeking counsel's review	Subject to Deliberative Process Privilege Subject to Attorney/Client Privilege Subject to Work Product Protection
WG000364-WG000369	undated circa fall of 1996	Note FROM President of the United States TO Chief of Staff attached to pre-trip briefing book	Hudson casino matter	Subject to Presidential Communications Privilege
WG000370-WG000371	10/23/96	Memorandum FROM Chief of Staff TO President of the United States transmitting memorandum dated 10/23/96 FROM Associate White House Counsel TO Special Assistant to the Deputy Chief of Staff CC White House Counsel	Status of Hudson casino litigation	Subject to Presidential Communications Privilege Subject to Attorney/Client Privilege Subject to Work Product Protection
WG000372	10/22/96	Memorandum FROM Associate White House Counsel TO Special Assistant to the Deputy Chief of Staff	Status of Hudson casino litigation	Subject to Attorney/Client Privilege Subject to Work Product Protection

WG000373	10/23/96	Memorandum FROM Associate White House Counsel TO Special Assistant to the Deputy Chief of Staff CC White House Counsel	Status of Hudson casino litigation	Subject to Attorney/Client Privilege Subject to Work Product Protection
WG000374-WG000377	8/1/96 draft	Drafts of letter for signature by Deputy Chief of Staff	Letter responding to Congressional inquiry regarding Hudson casino matter	Subject to Deliberative Process Privilege

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ONE HUNDRED FIFTH CONGRESS

Congress of the United States

House of Representatives

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COMMITTEE ON GOVERNMENT REFORM AND OVER[redacted]

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

(202) 225–5074

December 16, 1997

The Honorable Janet Reno
Attorney General
United States Department of Justice
10th and Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Via Facsimile: 514-9149

Dear Attorney General Reno:

In order to supplement and clarify the December 8, hearing record, I would appreciate your answering the following interrogatories by December 22, 1997.

1. From whom, other than Director Freeh, did you obtain advice regarding your decision not to appoint an independent counsel?

2. With whom did you discuss your decision not to seek an independent counsel?

3. Specifically, regarding questions one and two, did you confer with Eric Holder, Bob Litt, Lee Radek, Kent Marcus, or John Hogan?

At the hearing, you refused to answer these or similar questions; however, the Committee is unaware of any lawful basis for your withholding this information. It is important to the Committee's constitutionally based oversight function that it receive timely and accurate sworn answers to these questions. If you continue to refuse to provide this information to the Committee, you should provide the Committee with a validly asserted claim of executive privilege.

Thank you for your attention to this important matter.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman

U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535

December 17, 1997

BY LIAISON

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

Dear Mr. Chairman:

Enclosed are responses to questions addressed by your Committee during the December 9-10, 1997, oversight hearing with Attorney General Janet Reno and Director Louis Freeh.

Additionally, I have enclosed a letter from Representative Bob Barr concerning background investigations on White House welfare-to-work program employees and subsequent response.

If I can be of any further assistance, please do not hesitate to call.

Sincerely,

John E. Collingwood
Inspector in Charge
Office of Public and
Congressional Affairs

Enclosures

Responses to questions before the House Government Reform & Oversight Committee
12/10/97

Chairman Dan Burton
Q. Did Ray Wickman retire from the FBI due to concern for sensitive sources?

A. The FBI would like to offer the Committee a briefing to address reported reasons for Ray Wickman's retirement.

Q. Can the FBI provide the committee an accounting of White House and DNC compliance with Task Force issued subpoenas?

A. Enclosed is an accounting of federal grand jury subpoenas issued to the White House and the DNC.

Honorable Benjamin Gilman
Q. What percentage of the FBI budget is being allocated for the campaign finance investigation?

A. The FBI does not routinely account for its expenses at the investigative case level; therefore, the actual cost to date of the CAMPCON investigation is not available. However, those costs readily identifiable to the CAMPCON investigation have been compiled and total $3,910,311.

Honorable Bob Barr
Q. Who conducted the background investigation on Larry Lawrence?

A. The State Department conducted the background investigation on Mr. Lawrence.

**Federal Grand Jury Subpoenas issued to the EOP,
and to the White House Principals;
Compliance Status as of 12/15/97**

I. Federal Grand Jury Subpoenas issued to the Executive Office of the President (EOP)

Subpoena #001

1. Description of Items Sought - All documents related to John Huang, Pauline and Praitun Kanchanalak, Arief and Soraya Wiriadinata, Hashim Ning, Yogesh Gandhi, Hogen Fukunaga, Yoshia Tanaka, George Psaltis, Hsing Yun, Su-Jen Wu, Shih Hsin Kuang, Hsiao Pi-Hsia, Chu Lin Hsui, Jou Sheng, Man Ya Shih, Siuw Moi Lian, Johnny Chung, Mi Ryu Ahn, Gary Hsueh, John H.K. Lee, Keshi Zhan, Xiping Wang, Yue F. Chu, Yah Lin Trie, Mochtar and James Riady, the Lippo Group, LippoBank, Cheong Am America, K&L International, Psaltis Corporation, Hip Hing Holdings, Automated Intelligence Systems, Bang Chang International, Bang Chang Group, San Kin Yip International Trading Corp.

2. Issue Date - 12/9/96.

3. Return Date - 1/10/97.

4. Compliance Status - Production nearly complete
All redacted documents received pursuant to subpoena #001 have been reviewed in their entirety by DOJ/PIS attorneys & FBI Agents resulting in production of the documents by the White House (WH) if specifically requested. Privileged documents (40) reviewed and relevant documents obtained (16).

5. Outstanding Issues
a) E-mail - Production complete as to time period 12/1/95 through 12/31/96 (herein referred to as Period 3). Meeting held at the WH on 7/16/97 at 5:00 pm with WH and FBI technical representatives to discuss production of all e-mail. Time period 7/1/94 through 11/30/95 e-mail (Period 2) has been reconstructed and assembled for searching. Estimated production time frame is October, 1997-January, 1998. Reconstruction and assembly of e-mail for the period 1/20/93 - 6/30/94 (Period 1) will require 14-16 months with production anticipated by December, 1998.
b) Phone Messages - The WH requested that the task force narrow the focus of a search of 136 boxes of archived telephone message pads. We have asked for an immediate search of 66 boxes as relevant to our WH/DNC Core Group investigation. To avoid delays in production due to privilege claims, we will separately ask that 19 boxes drawn from the WH Counsel's Office be searched independent of the other boxes.

Subpoena #184

1. Description of Items Sought - All documents related to Roger Tamraz and/or Tamoil, Inc. to include records reflecting meetings and/or visits to the WH; communications re: Tamraz with DNC Chairman Donald Fowler, National Security Agency official Sheila Heslin, and personnel at the U.S. Department of Energy and the Central Intelligence Agency; and any record of discussions or deliberations regarding granting Tamraz access to any person in the EOP.

2. Issue Date - 3/17/97.

3. Return Date - 3/28/97.

4. Compliance Status - Production complete.

5. Outstanding Issues - None.

Subpoena #213

1. Description of Items Sought - All documents and records related to the WHODB data base to include the identity of contractors and EOP personnel who participated in the creation or modification of the WHODB; the identity of trained personnel; identity of those authorized to request or receive WHODB reports and those who have done so; operations manuals, technical documentation and training materials; file structure and layout of the data base and/or documents defining all information contained in the data base tables.

2. Issue Date - 3/28/97

3. Return Date - 5/2/97

4. Compliance Status - 11 boxes and data base

5. Outstanding Issues
   a) Redaction of "Overnight Guests" data - Record of overnight stays of individuals who donated less than $5000 to DNC impermissibly redacted from database. DOJ/PIS to enforce compliance through demand for an unredacted copy of the database in electronic form.
   b) E-mail production (all time periods)

Subpoena #214

1. Description of Items Sought - Documents and records as follows: meetings among Michael Cardozo and others regarding the Presidential Legal Expense

Trust to include minutes, note, memoranda, and correspondence regarding such meetings; meetings regarding periodic campaign fund-raising or strategy sessions; all so-called "coffee klatches" to include notes, minutes, memoranda, correspondence, guest lists, photographs, invitations, records of contributions or donations, planning, budgeting, billing and expenditure information; identity of all overnight guests of the WH who donated or contributed $5,000 or more to the DNC or to a candidate for federal office and dates of their stays.

2. Issue Date - 3/28/97.

3. Return Date - 5/16/97.

4. Compliance Status - Substantially complete

5. Outstanding Issues -
a) Limit of "Overnight Guests" data - Names of individual overnight guests who donated less than $5000 to DNC and/or any campaign were not received due to flawed language in subpoena. Obtained through new subpoena #567.
b) E-mail production (all time periods)

Subpoena # 294

1. Description of Items Sought - All documents relating to West Publishing Company and any communication between West Publishing Company or any of its subsidiaries or affiliates with the EOP, and any visits by any employee, including Vance or Dwight Opperman, to the EOP; documents related to communication between Vance or Dwight Opperman or any member of their immediate families with the EOP; documents relating to communication between The Thomson Corporation or its subsidiaries or affiliates and the EOP, and any visits by any employee to the EOP; all document relating to communication between the EOP and the Department of Justice concerning West Publishing Company and The Thomson Corporation

2. Issue Date - 5/9/97.

3. Return Date - 6/20/97.

4. Compliance Status - Production complete.

5. Outstanding Issues - None.

Subpoena #311

1. Description of Items Sought - All documents relating to persons who flew aboard Air Force One or Air Force Two, and made any donation, contribution or gift, or

made any expenditure or disbursement on behalf of the DNC, any candidate for federal, state or local office or any federal, state or local political party or committee, and related costs and reimbursements

2. Issue Date - 5/28/97

3. Return Date - 6/18/97

4. Compliance Status - Partial production 7/16/97. Balance received 7/25/97. Substantial redactions prompted issuance of follow up subpoena #608.

5. Outstanding Issues
a) E-mail production (all periods)

Subpoena #489

1. Description of Items Sought - All documents related to meetings held in the WH, to include the WH residence, or the DNC, with members of the EOP, the DNC or Clinton/Gore '96, to discuss election campaign fund-raising, with corresponding dates, attendees, location, or substance of such meetings.
All documents relating to Harold Ickes as follows: fund-raising in connection with any federal election campaign(s) or party-building activities; records relating to any member, representative or agent of Meyer, Souzzi, English and Klein, or relating to members of the DNC, the International Brotherhood of Teamsters; AFL-CIO, or the Laborers International Union of North America or any affiliated entities; all telephone messages/logs for incoming/outgoing calls; appointment logs and calendars. All documents relating to Richard S. Morris.

2. Issue Date - 6/26/97

3. Return Date - 7/30/97

4. Compliance Status - Production 7/18/97. Production substantially complete. Unredacted copies of previously redacted documents produced.

5. Outstanding Issues
a) E-mail production (all periods)

Subpoena #518

1. Description of Items Sought - All documents contained within the office or file of David M. Strauss which relate to donors, contributors, solicitations, donations, contributions, gifts, expenditures, disbursements, and/or fund-raising, in connection with any federal election campaign(s) or party-building activities, to include handwritten notes describing telephone calls by the POTUS or VPOTUS.

2. Issue Date - 7/8/97

3. Return Date - 7/16/97

4. Compliance Status - Production 7/18/97. Received unredacted copies of previously redacted documents.

5. Outstanding Issues
a) E-mail production (all periods)

Subpoena #566

1. Description of items sought - All documents and records relating or referring to political fundraising solicitations by the President, Vice-President, First Lady, or Mrs. Gore, excluding fundraising solicitations made in the White House residence or in the residence of the Vice-President. Such documents and records shall include telephone records, call sheets, Clinton/Gore financing call sheets, DNC financing call sheets, memoranda, letters, "thank you" letters, notes, notes of staffers present when calls were made, record of originating telephone call location, records of billing, to include, but not limited to, DNC and Clinton /Gore Campaign calling card information and U.S. Government calling card information.

2. Issue date - 7/31/97.

3. Return date - 8/15/97.

4. Compliance status - Subpoena withdrawn due to initiation of a 30 day Independent Counsel Act (ICA) review into allegations that the VPOTUS made telephone fundraising solicitations from his office. The Task Force requested, and received, voluntary production of all relevant records.

5. Outstanding issues - None.

Subpoena #567

1. Description of items sought - All documents and records relating or referring to any guests' overnight stays at the White House, including, but not limited to all documents and records identifying the guests, including date of birth, social security account number, address, telephone number, the dates of their stays, and all notes, minutes, memoranda, correspondence, and other documents pertaining to those stays, including records relating or referring to costs and reimbursements associated with the stays, excepting only records relating to events held at the White House or Camp David that were personal and private events of the first

family.

2. Issue date - 8/8/97.

3. Return date - 8/27/97.

4. Compliance status - Return date extended to 1/98.

5. Outstanding issues -Task Force and White House computer personnel are currently working together to develop format in which information is to be delivered.

Subpoena #568

1. Description of items sought - For each person who stayed overnight within the White House, and/or attended a Clinton/Gore campaign event or DNC sponsored event, to include, but not limited to coffees, dinners, entertainment or social events:

(1) Daily trip ticket information including, but not limited to, vehicle identity, driver identity, destinations, and times of travel regarding such person;
(2) All documents and records relating or referring to the costs and any reimbursements associated with the travel described in the foregoing paragraph, and all records identifying date of birth, social security account number, address, and telephone number regarding the person traveling.

2. Issue date - 7/30/97.

3. Return date - 9/05/97.

4. Compliance status - By letter, White House Counsel advised that records sought through this subpoena are disposed of after 30 days. White House Counsel provided vague DOD policy on this issue and identified a custodian witness for interview. The Chief White House Usher and a Military Officer were subsequently interviewed and confirmed that records were, in fact, disposed of after 30 days. Remaining documents turned over to the Task Force produced no evidence of value.

5. Outstanding issues - None.

Subpoena #571

1. Description of items sought - All documents and records relating or referring to Ng Lap Seng, also known as "Mr. Wu".

2. Issue date - 7/31/97.

3. Return date - 8/15/97.

4. Compliance status - production complete.

5. Outstanding issues - None.

Subpoena #576

1. Description of items sought - All documents and records relating or referring to political fundraising solicitations by the President, Vice-President, First Lady, or Mrs. Gore, which fundraising solicitations were made in or from the White House residence or in or from the residence of the Vice-President. Such documents and records shall include telephone records, call sheets, Clinton/Gore financing call sheets, DNC financing call sheets, memoranda, letters, "thank you" letters, notes, notes of staffers present when calls were made, record of originating telephone call location, records of billing, to include, but not limited to, DNC and Clinton/Gore campaign calling card information and U.S. government calling card information.
2. Issue date - 8/4/97.

3. Return date - 8/15/97.

4. Compliance status - Subpoena withdrawn due to initiation of a 30 day Independent Counsel Act (ICA) review into allegations that the VPOTUS made telephone fundraising solicitations from his office. The Task Force requested, and received, voluntary production of all relevant records.

5. Outstanding issues - None.

Subpoena #608

1. Description of items sought - All documents and records (including, but not limited to, complete flight manifests) relating or referring to travel aboard Air Force One or Air Force Two by all persons, excluding press, U.S. Secret Service, and military personnel, and excluding members of the Clinton and Gore Families other than the President and Mrs. Clinton and the Vice-President and Mrs. Gore. Such documents and records shall include those relating or referring to the costs and any reimbursements associated with travel aboard Air Force One and Air Force Two, and those identifying date of birth, social security number, address, telephone number, and date(s) of travel aboard Air Force One and Air Force Two.

2. Issue date - 8/19/97.

3. Return date - 9/3/97.

4. Compliance status - Records expected to be received 12/23/97.

5. Outstanding issues - Documents were not computerized or in organized form. U.S. Air Force personnel are currently organizing documents in a readable format.

II. Federal Grand Jury Subpoenas issued to the Principals

Subpoena #597

1. Description of items sought - Directed to the President personally, this subpoena seeks any and all documents within his personal custody or control relating or referring to the following:

(1) Fundraising or campaign finance meetings which occurred in the EOP.
(2) Political fundraising solicitations by the President, Vice-President, First Lady, or Mrs. Gore.
(3) Breakfasts, coffees, dinners, and social events sponsored by the DNC and/or the Clinton/Gore campaign which occurred in the EOP.
(4) Guests' overnight stays at the White House.
(5) DNC and/or Clinton/Gore campaign donor relations and assistance programs, including any and all records of "perks" afforded donors.
(6) The White House data base (WHOdb).
(7) Yah Lin Trie, aka "Charlie" Trie, and the Presidential legal expense trust.
(8) Twenty-eight individuals considered potential subjects of this investigation.
(9) Thirteen corporate or business entities relevant to this criminal investigation.

2. Issue date - 8/13/97.

3. Return date - 9/26/97.

4. Compliance status - Due to the initiation of two ICA 30 day reviews into VPOTUS and POTUS solicitations, that portion of the subpoena language (and only that portion) regarding political fundraising by the POTUS, VPOTUS, FLOTUS and Mrs. Gore was withdrawn. Otherwise, the subpoena remained in force. On 9/29/97, the Task Force received a letter from the POTUS' personal counsel, David E. Kendall. Enclosed with the letter were copies of some documents which were subpoenaed. Kendall believed that the bulk of the documents identified in the subpoena were in the possession of other parties, including the White House and the DNC. Kendall advised that he has no authority to produce official or government documents.

5. Outstanding issues - None.

Subpoena #598

1. Description of items sought - Directed personally to the First Lady, this omnibus subpoena seeks documents and records within her personal custody or control identical to that sought through subpoena number 597.

2. Issue date - 8/13/97.

3. Return date - 9/26/97.

4. Compliance status - Due to the initiation of two ICA 30 day reviews into VPOTUS and POTUS solicitations, that portion of the subpoena language (and only that portion) regarding political fundraising by the POTUS, VPOTUS, FLOTUS and Mrs. Gore was withdrawn. Otherwise, the subpoena remained in force. On 9/29/97, the Task Force received a letter from the FLOTUS' personal counsel, David E. Kendall. Enclosed with the letter were copies of some documents which were subpoenaed. Kendall believes that the bulk of the documents identified in the subpoena were in the possession of other parties, including the White House and the DNC. Kendall advised that he has no authority to produce official or government documents.

5. Outstanding issues - None.

Subpoena #599

1. Description of items sought - Directed personally to the Vice-President, this omnibus subpoena seeks records in his personal custody or control identical to those sought through subpoena number 597.

2. Issue date - 8/13/97.

3. Return date - 9/26/97.

4. Compliance status - Due to the initiation of two ICA 30 day reviews into VPOTUS and POTUS solicitations, that portion of the subpoena language (and only that portion) regarding political fundraising by the POTUS, VPOTUS, FLOTUS and Mrs. Gore was withdrawn. Otherwise, the subpoena remained in force.

5. Outstanding issues - Will request that a Task Force attorney follow-up with VPOTUS Counsel on this issue of production.

Subpoena #600

1. Description of items sought - Directed to Mrs. Mary Elizabeth Gore, this omnibus subpoena seeks documents in her personal custody and control identical in nature

to those sought through subpoena #597.

2. Issue date - 8/13/97.

3. Return date - 9/26/97.

4. Compliance status - Due to the initiation of the two ICA 30 day reviews into VPOTUS and POTUS solicitations, that portion of the subpoena language (and only that portion) regarding political fundraising by the POTUS, VPOTUS, FLOTUS and Mrs. Gore was withdrawn. Otherwise, the subpoena remained in force.

5. Outstanding issues - Will request that a Task Force attorney follow-up with Mrs. Gore's attorney on the issue of production.

Subpoena #776

1. Description of items sought-EOP: Testimony of Lanny Brewer concerning compliance of subpoenas served.

2. Issue date-10/7/97.

3. Return date-10/8/97.

4. Compliance status- Brewer testified that the White House was doing everything possible to produce subpoenaed records to the Task Force in the time required.

5. Outstanding issues- None.

I. Course of Action to Resolve Issues

A. Will closely monitor e-mail reconstruction and assembly/searching through assistance of Division 4 technical personnel and demand production as soon as technically feasible.
B. Will monitor production of responsive telephone messages and task search in phases.
C. Will enforce compliance regarding redacted version of WHODB.
D. Will require custodian certifications upon completion of production to all subpoenas.

BOB BARR
7TH DISTRICT
GEORGIA

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FAX: (202) 225-2944
Internet: http://www.house.gov/barr/

CONGRESS OF THE UNITED STATES
1130 LONGWORTH HOUSE BUILDING
WASHINGTON, D.C. 20515-1007

COMMITTEES:
BANKING AND FINANCIAL SERVICES
GOVERNMENT REFORM AND OVERSIGHT
JUDICIARY

December 11, 1997

The Honorable Louis J. Freeh
Director, Federal Bureau of Investigation
935 Pennsylvania Ave., N.W.
Washington, D.C. 20535-0001

IN RE: Background Checks on White House Welfare Workers

Dear Director Freeh:

At the Government Reform hearing yesterday I referenced information indicating people were given jobs in the White House as part of the welfare-to-work program instituted to help people get off welfare and back into the workplace. I brought the issue up in the hearing to ask if full background checks were performed on these people before they were hired. My concern lies not with placing welfare recipients in jobs in the White House, but rather whether they have gone through full background checks.

Due to the importance and sensitivity of the information that is processed in the White House, all employees should be screened and full background checks should be completed. Please let me know specifically if all such persons were checked out fully, and that no derogatory information was uncovered before being allowed access to the White House.

I appreciate your attention to this matter and look forward to your prompt response.

With warm regards, I remain,

very truly yours,

BOB BARR
Member of Congress

BB:jn

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U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535

December 17, 1997

BY LIAISON

Honorable Bob Barr
Committee on Government Reform and Oversight
House of Representatives
Washington, D.C.

Dear Congressman Barr:

This responds to your December 11, 1997, letter concerning background checks on White House welfare workers.

The FBI conducts background investigations on potential employees of the White House to include candidates of the welfare-to-work program.

The background investigation is a comprehensive inquiry designed to verify information provided by the individual who is the subject of the background investigation (hereinafter referred to as the "candidate") and gather information to assist the White House, and others, in the decision-making process concerning the candidate's suitability for federal employment and/or access to classified information. In conducting these background investigations, it is the FBI's goal to provide a complete, thorough, and impartial product to the White House in a timely manner.

Once the background investigation is completed, the results are forwarded to the White House component which requested it. The FBI does not adjudicate, nor does it render opinions on, the background investigation results provided to the White House component. Furthermore, the FBI does not assess the

Honorable Bob Barr

reliability or credibility of the source of the information. The FBI's function in the background investigation process is purely fact finding.

The FBI respectfully defers any questions concerning hiring of White House personnel to security officer, Chuck Easley, Executive Office of the President, the White House.

If I can be of any further assistance, please do not hesitate to call.

Sincerely yours,

John E. Collingwood
Inspector in Charge
Office of Public and
Congressional Affairs

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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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BERNARD SANDERS, VERMONT
INDEPENDENT

December 18, 1997

Louis J. Freeh
Federal Bureau of Investigation
J. Edgar Hoover Building
9th Street and Pennsylvania Avenue, NW
Washington, DC 20535

Re: Request for Documents

Dear Director Freeh:

I am writing to request that the FBI produce certain documents to the Committee. It has come to our attention that the FBI possesses original documents that were in the possession of Dwight Linkous of Heber Springs, Arkansas. The majority of the documents concern the possible purchase of the Camelot Hotel in Little Rock, Arkansas by a group of Asian businessmen. Please produce copies of the documents to the Committee by January 7, 1998.

If you have any questions about this request, please contact Investigative Counsel David Kass at (202) 225-5074. Thank you for your cooperation.

Sincerely,

Dan Burton

Dan Burton
Chairman

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BERNARD SANDERS, VERMONT
INDEPENDENT

December 19, 1997

VIA FACSIMILE (202) 616-1080
Craig Iscoe
Counselor to the Deputy Attorney General
Department of Justice
950 Pennsylvania Ave, NW
Washington, D.C. 20530

Dear Mr. Iscoe:

I write to summarize the our meeting on Wedneday, December 17.

At the outset, I want to express the Committee's surprise to learn that the Department of Justice has failed to process any of the the information requested in our October 22, 1997 letter, despite repeated assurances that the processing was actively underway. Committee staff have documented several assurances made to them by Justice officials in the Office of Congressional Affairs that the document processing was under way and the production of records would be made available to the Committee at the earliest time practicable. Obviously, these assurances were not accurate.

As a result of our meeting yesterday, the Department of Justice has committed to provide the Committee with all Mercury Action records pertaining or relating to Nora and Eugene Lum; including but not limited to video and audio recordings. These files are to be turned over to the Committee on a rolling submission to begin immediately.

In addition, you stated that a prompt search of all FBI field offices in Hawaii, California and Oklahoma will be conducted for all information regarding the Lums, the Asian Pacific Advisory Council (APAC); including all information regarding the Lums and any activities related to the Lums provided by Charles Chidiac, FBI agents and/or any other person. You further agreed to provide all records regarding any search warrants issued or denied pertaining to the Lums.

At this time the Committee also requests all Mercury Action files and any information at FBI field offices or at the Department of Justice relating to individuals and entities named in its

October 22 letter request. The Committee suggests that an efficient search may begin at the offices of the Task Force, since we presume someone there may know something about the Lums and their activities.

Further, you also promised to respond fully to paragraphs 1 and 2 of the Committee's October 22 request.

In addition, the Committee requests copies of: 1) the declination letter and all supporting documentation, relating thereto, by the United States Attorney in Hawaii whereby it was decided not to prosecute Nora and Eugene Lum; 2) the January 13, 1994 declination letter and all supporting documentation, relating thereto, by the Office of Public Integrity regarding the Lums; and 3) all memos regarding Mercury Action circulated within the Department of Justice, including but not limited to those addressed to Webster Hubbell, Phillip Heymann and Janet Reno.

With regard to paragraph 4 of the Committee's request, you agreed to provide the Committee with a written response as to whether the Ron Miller tapes will be provided to the Committee. As we have stated in the meeting, and several prior occasions, Ron Miller had agreed, before his death, to give us copies of those tapes. Also, as we stated, the Committee has written documentation regarding the substance of the telephone calls contained on the tapes. If it is determined that the Department of Justice will not provide the tapes, please include an explanation of the legal basis for that decision.

The information we have requested is of critical importance to the Committee's ongoing investigation of the Lums and their activities with regard to possible illegal campaign activities and other matters. Please cooperate and provide the requested documents to the Committee in a timely manner.

Sincerely,

Barbara J. Comstock
Chief Investigative Counsel

U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535
December 19, 1997

The Honorable Dan Burton
Chairman
Committee on Government Reform and Oversight
2157 Rayburn House Office Building
Washington, D.C. 20515-5143

Dear Chairman Burton:

In response to the Committee's request at an FBI briefing on Mercury Action conducted on December 17, 1997, enclosed please find 30 tapes of consensual recordings made during the course of the investigation. As discussed in the meeting, we request that you confer with us concerning any subsequent public dissemination of these tapes the Committee might seek to make.

If we can be of further assistance to the Committee in this matter, please do not hesitate to contact my office at (202) 324-2727.

Sincerely,

John Collingwood
Assistant Director

1 - The Honorable Henry A. Waxman
Ranking Minority Member
Committee on Government Reform and Oversight
United States House of Representatives
Washington, D.C. 20515

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THOMAS H. ALLEN, MAINE
HAROLD E. FORD, Jr., TENNESSEE

BERNARD SANDERS, VERMONT
INDEPENDENT

January 8, 1998

Via Facsimile: 514-9149

The Honorable Janet Reno
Attorney General
United States Department of Justice
10th and Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Re: Declination Memorandum Relating to Ronald H. Blackley

Dear Attorney General Reno:

On December 3, 1997, the Committee requested a copy of the Department of Justice's declination memorandum relating to Ronald H. Blackley, who served former Secretary of Agriculture Mike Espy as his chief of staff. To date, the Committee has not received a copy of the memorandum or a response to the December 3 letter (see enclosed).

This memorandum is important to the Committee's understanding of the decisions made regarding certain prosecutorial decisions made by the Public Integrity Section. Given that the Public Integrity Section declined to prosecute Ronald H. Blackley and given that he has subsequently been convicted, thereby closing the case, the release of this memorandum to the Committee can't possibly interfere with any ongoing criminal justice matter.

I would appreciate your providing the Committee with the declination memorandum by Monday, January 12, 1997.

Thank you for your attention to this request.

Sincerely,

Dan Burton
Chairman

DB/wem
Enclosure
cc: The Honorable Henry Waxman

BENJAMIN A. GILMAN, NEW YORK
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ONE HUNDRED FIFTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051
TTY (202) 225-6852

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BERNARD SANDERS, VERMONT
INDEPENDENT

January 9, 1998

Commissioner Doris Meissner
Immigration & Naturalization Service
Washington, D.C. 20536

Dear Commissioner Meissner:

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform and Oversight hereby requests certain records.

Definitions and Instructions

1. This request calls for the production of records, documents, and compilations of data and information that are currently in your possession, care, custody, or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

2. For purposes of this request, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this request the broadest reading.

4. No records, documents, data or information called for by this request shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

5. If you have knowledge that any requested record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents, data or information and provide an explanation of the destruction, discarding,

loss, deposit or disposal.

6. When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

7. This request is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

8. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3½ inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Requested Items

Please provide the following documents:

1. All records relating to the position of the Clinton Administration on the elimination of the immigration preference for siblings of United States citizens, including, but not limited to such proposals contained in H.R. 2202, the "Immigration in the National Interest Act of 1995," between January 1, 1995 and the present;

2. All records relating to the participation or attendance of Commissioner Meissner or any other representative or employee of the Immigration and Naturalization Service at any event sponsored by the Democratic National Committee or the Clinton-Gore 1996 presidential campaign;

3. All records, including, but not limited to calendars and telephone messages relating to the following individuals and entities:

   a. John Huang;
   b. Maria Hsia;
   c. Yah Lin "Charlie" Trie;
   d. Chong Lo;
   e. Lei Chu;
   f. Daihatsu International Trading Corp.;
   g. Democratic National Committee;
   h. International Buddhist Light Association, Inc.

Please produce the requested documents by the close of business on January 23, 1998. If you have any questions about this request, please contact Investigative Counsel David Kass, at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

DAN BURTON, INDIANA
CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
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BERNARD SANDERS, VERMONT
INDEPENDENT

January 16, 1998

Larry R. Parkinson, Esq.
General Counsel
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W., Room 7427
Washington, D.C. 20535

Re: December 17, 1997 Submission by Office of Public and Congressional Affairs

Dear Larry:

Pursuant to our conversation of today, I am enclosing a copy of the submission from John E. Collingwood, Inspector in Charge, Office of Public and Congressional Affairs, Federal Bureau of Investigation, to the Committee on December 17, 1997. Barbara Comstock, Chief Investigative Counsel and I reviewed this material. Several lawyers on the staff would have briefly seen your submission. It was not seen by Chairman Dan Burton, although general topic areas were discussed with the Chairman.

If you have any questions, do not hesitate to contact me.

Sincerely,

Dick Bennett

Richard D. Bennett
Chief Counsel

Enclosure

Office of the Attorney General
Washington, D. C. 20530

January 23, 1998

The Honorable Michael R. Bromwich
Inspector General
U.S. Department of Justice
Washington, DC 20530

Re: Order pursuant to Section 8E of the Inspector General Act

Dear Mr. Bromwich:

On December 18, 1997, I received your report, titled "The CIA-Contra-Crack Cocaine Controversy: A Review of the Justice Department's Investigations and Prosecutions," which you signed on December 17, 1997. Public disclosure of the report has been deferred since that time because of law enforcement concerns unrelated to the ultimate conclusions reached in your report. I have been advised that these law enforcement concerns were first brought to your attention shortly before you transmitted the report to me on December 18, which was the scheduled release date.

Pursuant to the Inspector General Act of 1978, 5 U.S.C. App. 3, I have made the determination specified under Section 8E(a)(2) that the release of your report at this time would lead to the disclosure of one or more of the specified categories of sensitive information specified in Section 8E(a)(1). Accordingly, I am directing you to continue to defer the public release of your report. This prohibition on public disclosure of your report shall remain in effect until I determine that the law enforcement concerns that have caused me to make this decision no longer warrant deferral of its public release. It is my expectation that you will be able to release your report publicly once these law enforcement concerns abate and that, in the meantime, your report will not be changed.

I further understand that pursuant to Section 8E(a)(3) of the Inspector General Act, you will transmit copies of this notice within 30 days of the date of this letter to the House and Senate Judiciary Committees, the Senate Governmental Affairs Committee and the House Government Reform and Oversight

Committee. Further, because of their interest in your investigation and report, I understand that you also will transmit copies of this notice to the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence.

Sincerely,

Janet Reno

U. S. Department of Justice

Office of the Inspector General

January 23, 1998

The Honorable Dan L. Burton
Chairman, Committee on Government
Reform and Oversight
U.S. House of Representatives
Washington, D.C. 20515-6143

Dear Mr. Chairman:

Pursuant to section 8E(a)(3) of the Inspector General Act of 1978, as amended, I am transmitting the notice of Attorney General Reno, dated January 23, directing me not to publicly disclose our report entitled "The CIA-Contra-Crack Cocaine Controversy: A Review of the Justice Department's Investigations and Prosecutions."

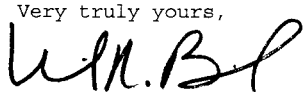
On December 17, 1997, I signed the report, which is the culmination of a careful and thorough investigation, begun in September 1996, into the allegations first raised by a series of articles in the San Jose Mercury News. The report, which is over 400 pages long, details the actions of the Department of Justice regarding the individuals and allegations initially raised by the newspaper articles, as well as other closely related matters. It is wholly separate and independent from a related inquiry conducted by the CIA's Office of Inspector General.

On December 18, I transmitted the report to the Attorney General and the Deputy Attorney General. Although the report was scheduled to be released on December 18, public disclosure of the report was deferred because of law enforcement concerns that were first brought to our attention shortly before its scheduled release. Over the past month, we have been working diligently to resolve the issues that have blocked public disclosure of the report. Much to my regret, that effort has not resulted in clearing the obstacles to the report's publication.

Pursuant to Section 8E(a)(2) of the Inspector General Act, the Attorney General has directed me not to release the report at this time. I respect that decision and must of course abide by it. While the report is being held, its contents will not be changed. I hope that we will be able to release the report in its entirety in the coming months. At that time, I look forward to a full and open discussion of its findings.

If you have any questions relating to this matter, please do not hesitate to contact me.

Very truly yours,



Michael R. Bromwich
Inspector General

Enclosure

cc: The Attorney General

The Deputy Attorney General

Office of the Attorney General
Washington, D. C. 20530

January 27, 1998

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

Dear Mr. Chairman:

This responds to your letter of December 16, 1997, which requested the identity of those Department of Justice officials who provided me with advice concerning my recent decision not to seek the appointment of an independent counsel for the President and Vice President with regard to their telephone solicitations of campaign contributions.

In making my decision, I sought advice from many people in the Department, both career and non-career employees. As the Department has informed other congressional committees, the Campaign Finance Task Force is headed by Charles LaBella, who reports through Lee Radek, Chief of the Public Integrity Section, to Mark Richard, the Acting Assistant Attorney General with regard to this matter. Mr. Richard in turn reports to Deputy Attorney General Eric Holder, who reports to me.

I must respectfully decline to answer your specific question, however. The same principles that have limited the information I have been able to provide Congress about our ongoing investigation require that I decline to identify specifically the individuals who advised me about the decision in question. The basis for this position is the executive branch's constitutional responsibility to protect the integrity of ongoing criminal investigations and prosecutorial decisionmaking. See Memorandum for the Attorney General from Charles J. Cooper, Assistant Attorney General, Office of Legal Counsel, Re: Response to Congressional Requests for Information Regarding Decisions made Under the Independent Counsel Act, 10 Op. O.L.C. 68, 72-81 (1986) (section entitled "Protecting the Integrity of Criminal Investigations"). Our longstanding position on the confidentiality of ongoing criminal matters is based in significant part on "the separation of powers between the executive and legislative branches." Id. at 72.

The constitutional allocation of responsibilities requires that the Department seek to accommodate Congress's legitimate information needs while at the same time protecting the independence and integrity of the Executive's investigative and prosecutorial process. See United States v. American Tel. & Tel. Co., 567 F.2d 121, 127 (D.C. Cir. 1977) ("[E]ach branch should take cognizance of an implicit constitutional mandate to seek optimal accommodation through a realistic evaluation of the needs of the conflicting branches in the particular fact situation."). Therefore, I am committed to seeking to satisfy Congress's needs in this area by explaining my decisions regarding whether to appoint an independent counsel. I firmly believe, however, that it is an inappropriate intrusion into the conduct of this ongoing criminal investigation for Congress to inquire into the details of my consultations in connection with these decisions, including identification of the individuals with whom I have consulted.

As Director Freeh and I stated in our December 8th letter to you about the Director's memorandum to me:

> Public and judicial confidence in the criminal justice process would be undermined by congressional intrusion into an ongoing criminal investigation. Access to the confidential details of an ongoing investigation would place Members of Congress in a position to exert pressure or attempt to influence the prosecution of specific cases, irreparably damaging enforcement efforts.

I believe that the same concerns would be implicated by disclosure to Congress of the identities of individuals who are advising me in a pending criminal matter. This, too, could place Members of Congress in a position to exert pressure upon these individuals, and at the very least would surely create the perception of such pressure. It thus would undermine confidence in the fair administration of justice. These concerns clearly outweigh any possible legislative or oversight desire to know the names of the people who advised me about this decision that I alone made -- and for which I alone am accountable.

Moreover, as both Director Freeh and I testified at your Committee's hearing last month, it is imperative that I -- and future Attorneys General -- receive forthright and frank advice from subordinates who need not fear that their identities and views will be made known outside of this institution. The potential chilling effect on the candor of the advice I will receive is especially evident where, as here, the investigation is an ongoing one where I will no doubt be seeking advice in the

days ahead from many of the individuals who advised me on the decision that is the subject of your request.

I trust that you will recognize the sensitivity of this area and that you will find the above response sufficient.

Sincerely,

Janet Reno

cc: The Honorable Henry A. Waxman
Ranking Minority Member

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BERNARD SANDERS, VERMONT
INDEPENDENT

February 2, 1998

By Facsimile and First Class Mail

The Honorable Louis J. Freeh
Director, Federal Bureau of Investigation
J. Edgar Hoover Building
9th Street and Pennsylvania Avenue, N.W.
Washington, D.C. 20535

Dear Director Freeh:

As you are aware, the House Committee on Government Reform and Oversight is conducting an investigation of campaign finance abuses and possible violations of law. The task the House has asked us to undertake is important, and includes examining sensitive intelligence issues. Your cooperation thus far has assisted the Committee with its investigation and is appreciated.

As our hearings have progressed, it has become apparent that your testimony along with the testimony of Attorney General Reno, Director Tenet of the Central Intelligence Agency, and Director Minihan of the National Security Agency, would help the Committee better understand issues we are currently examining. Although Representative Waxman and I have heard already some of the information you would share in closed session, I believe it is essential to the integrity of the investigation that the full Committee learn what you know about individuals and activities that relate to our mandate. In short, I would like to invite you to testify in a closed executive session of the full Committee about the intelligence aspects of the campaign finance investigation. I understand hearings of this nature were held in the course of the Senate investigation last year. I would like to hold the closed session on either Wednesday, February 25, or Thursday, February 26, 1998, preferably starting at 10:00 a.m.

Please coordinate your schedule with the schedules of Attorney General Reno, Director Tenet and Director Minihan, and let me know as soon as possible which date is the most convenient. Please also

have your staff contact Michael Bopp, Senior Investigative Counsel, at (202) 226-2299 to discuss logistical issues and the topics we would like discussed.

Thank you for your assistance.

Sincerely,

Dan Burton
Chairman

cc: Congressman Henry A. Waxman
Ranking Minority Member

DAN BURTON, INDIANA
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BERNARD SANDERS, VERMONT
INDEPENDENT

February 2, 1998

By Facsimile and First Class Mail

The Honorable Janet Reno
Attorney General
United States Department of Justice
Tenth Street and Constitution Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Reno:

As you are aware, the House Committee on Government Reform and Oversight is conducting an investigation of campaign finance abuses and possible violations of law. The task the House has asked us to undertake is important, and includes examining sensitive intelligence issues. Your cooperation thus far has assisted the Committee with its investigation and is appreciated.

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Please coordinate your schedule with the schedules of Directors Freeh and Tenet and General Minihan and let me know as soon as possible which date is the most convenient. Please also

have your staff contact Michael Bopp, Senior Investigative Counsel, at (202) 226-2299 to discuss logistical issues and the topics we would like discussed.

Thank you for your assistance.

Sincerely,

Dan Burton
Chairman

cc: Congressman Henry A. Waxman
Ranking Minority Member

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BERNARD SANDERS, VERMONT
INDEPENDENT

February 3, 1998

Via Facsimile: 514-9149

The Honorable Janet Reno
Attorney General
United States Department of Justice
10th and Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Reno:

I write regarding the Department of Justice's refusal to provide the Committee with declination memoranda from the "Mercury Action 194A-HN-9541" investigation and the spin-off investigation, "194A-HN-10420" regarding Gene and Nora Lum. These documents were requested in a December 19, 1997, letter request to the Department. Also, I have not yet received the declination memorandum regarding Ronald H. Blackley which was requested in two letters dated December 3, 1997 and January 8, 1998. I respectfully request that you comply with the Committee's requests immediately.

I do not understand why the Department has refused to cooperate with the Committee in this regard. Your staff have represented to my staff that these types of memoranda are never produced to congressional committees; however, this is not the case. The Department has produced declination memoranda to this Committee, which should be well known to the individuals responsible for responding to this request since they participated in previous productions in which declination memoranda were provided to the Committee. For example, the Department produced a January 11, 1996, memorandum recommending that Harry Thomason and Darnell Martens not be prosecuted for their role in the White House Travel Office matter. The memorandum was submitted for the public record by the minority members of the Committee and included by the minority in the Committee's report titled *Investigation of the White House Travel Office Firings and Related Matters*. Ms. Faith Burton, who works in your legislative affairs office, should be able to fully brief you on this precedent.

Thank you for your attention to this important matter. I look forward to hearing from you soon.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman

DAN BURTON, INDIANA
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ONE HUNDRED FIFTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
2157 RAYBURN HOUSE OFFICE BUILDING
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BERNARD SANDERS, VERMONT
INDEPENDENT

February 6, 1998

By Fax (202/305-1066) and First Class Mail

Mr. Bert Rizzo
Congressional Relations
Immigration and Naturalization Service
Chester Arthur Building
425 I Street, N.W.
Washington, D.C. 20536

Dear Mr. Rizzo:

As you are aware, the House Committee on Government Reform and Oversight is conducting an investigation of campaign finance abuses and possible violations of law. I am writing to request the assistance of the Immigration and Naturalization Service with one aspect of our effort.

We currently are investigating the activities of Ted Sioeng and his family as those activities relate to possible campaign finance improprieties. In connection with this undertaking, we ask that you share information with us on the following individuals:

Ted Sioeng (a.k.a., Sioeng San Wong, Hsuing De Lieung)
Jessica Elnitiarta (a.k.a., Shiat Chen)
Sandra Elnitiarta
Laureen Elnitiarta
Yopie Elnitiarta
Yoahan Elnitiarta
Nanny Nitiarta
Didi Kurniawan
Ridwan Dinata
Yanti Ardi (a.k.a., Yanti B. Elnitiarta)
Subandi Tanuwidjaja
Susanto Tanuwidjaja
Suryanti Tanuwidjaja.

We ask that you provide us with an oral briefing on these persons during the week of February 16-20, 1998. Specifically, we are interested in the following information on each of the aforementioned individuals: immigration status; for those who are not citizens or legal permanent residents of the United States, all information on the visas they have obtained and how they obtained them; entry and exit records; information contained in alien files or the non-immigrant information system; and other information contained in INS files. Please also provide us a copy of any relevant information you find.

I note that, by letter dated November 23, 1997 and attached hereto, Chairman Burton requested information on most of the aforementioned individuals. Chairman Burton's request remains unsatisfied.

I appreciate your cooperation in this matter. Please contact me as soon as possible at 202/226-2299 to set the date, time, and location of the briefing.

Yours sincerely,

Michael D. Bopp
Senior Investigative Counsel

cc: Craig Iscoe (by fax only)
Christopher Lu

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BERNARD SANDERS, VERMONT
INDEPENDENT

February 10, 1998

Louis J. Freeh
Federal Bureau of Investigation
J. Edgar Hoover Building
9th Street and Pennsylvania Avenue, NW
Washington, DC 20535

Re: December 16th Request for Documents

Dear Director Freeh:

I am following up on a December 16th letter from the Committee to the FBI requesting copies of original documents that the FBI possesses which belonged to Dwight Linkous of Heber Springs, Arkansas. The majority of the documents concern the possible purchase of the Camelot Hotel in Little Rock, Arkansas by a group of Asian businessmen. The Committee asked for the documents by January 5, 1998. Please see that the Committee receives these documents as soon as possible.

If you have any questions about this request, please contact Chief Investigative Counsel Barbara Comstock at (202) 225-5074. Thank you for your attention to this matter.

Sincerely,

Dan Burton
Chairman

CHAIRMAN
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BERNARD SANDERS, VERMONT
INDEPENDENT

February 10, 1998

The Honorable Janet Reno
Attorney General
United States Department of Justice
10th and Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear General Reno:

The Committee on Government Reform and Oversight has been conducting an investigation into a dispute involving an application to take land into trust for three impoverished Native American tribes for the purpose of gaming in Hudson, Wisconsin. As you are aware, the Committee has recently completed two weeks of hearings on this matter and heard from not only the three applicant tribes, but decision-makers at the Department of the Interior, lobbyists working on behalf of the opponent tribes, and Secretary Bruce Babbitt. I believe the material this Committee has uncovered requires the appointment of an Independent Counsel to investigate all allegations in this case, including Secretary Babbitt's statements, the conduct of Department of the Interior officials, the involvement of the President and Vice President, senior White House staff and Terry McAuliffe.

There are a number of facts that suggest Secretary Babbitt and his staff made a decision that would not have been made but for improper political and financial considerations. There are two overwhelming types of circumstantial evidence: first, the amount of money given in this case, what was said by political operatives and career civil servants, and the pattern of wealthy contributors getting what they desired where off-reservation gaming is concerned; second, the reality that unless something improper were happening, the Department of the Interior would have given not only the applicants, but all Native American tribal members an opportunity to comment on what Interior officials have recently conceded was a new policy, and also would have given the applicant tribes the opportunity to cure any alleged "defects" in their application. The failure to allow comment on the new policy flies in the face of a Presidential directive, and the failure to provide meaningful consultation has been conceded by at least one Department of Justice lawyer and by the head of the Indian Gaming Management Staff, George Skibine. Failure to articulate the standard by which this application was measured, and failure to

work in an open and consultative manner with the applicants, suggest that the Department of the Interior officials did not want to provide the applicants with a fair opportunity to perfect their application.

Our Committee has also discovered that the defendants in the civil litigation have not provided the court with information necessary for informed decision-making. It is not conceivable that this fact escaped Department of Justice lawyers, who have fought vigorously to prevent full discovery in this case. It is my hope that you will do whatever is in your power to ensure that Department of Justice attorneys live up to their legal and ethical obligations in this matter.

On a related note, it is also troubling that your campaign task force investigators have failed to interview many of the individuals with pertinent information, and that when they have spoken with individuals, they have been unable to provide assurances that the material will not be used by lawyers defending the Department of the Interior in the civil litigation. This inherent conflict is precisely why this case necessitates the appointment of an Independent Counsel. I intend to communicate directly with the federal District Court in Wisconsin to inform Judge Barbara Crabb of the possible improprieties with respect to the civil litigation in this matter.

I. The Reality of Large Political Contributions by Tribes With Significant Gaming Issues Before the Department of the Interior

If money were not a factor in Department of the Interior decision-making over off-reservation gaming issues, it is difficult to explain many of the tortured and misleading statements that have been offered to this Committee and to the Senate. Donations given by the tribes opposed to the Hudson application to various Democrat organizations total at least $356,250 for the 1996 election cycle. The Sault Ste. Marie tribe gave $384,964 and the Mashantucket Pequots gave $409,625 in contributions to Democrat organizations over the same period. (*Tab 1*) In each of these cases, the tribe donating large sums of money received the results they had lobbied for from the Interior Department. Furthermore, the figure I have cited for the tribes opposed to the Hudson casino does not reflect the thousands of dollars donated by the lobbyists or the "intangibles" such as the $420,000 fundraiser held at the home of Tom Schneider -- a lobbyist against the Hudson proposal and a close personal friend of the President -- the day before the decision to deny the application was released.

This Committee developed directly contradictory information involving President Clinton's awareness of, and involvement in, the Hudson matter. Whereas Mr. Schneider stated unequivocally that he had not discussed the Hudson application with the President, Mr. Schneider's colleague, Tom Corcoran, stated under oath that Schneider told him directly that he had raised the matter with the President. Furthermore, billing records indicate that approximately $3,450 was billed for Mr. Schneider's lobbying efforts on this matter, including a meeting with the President. (*Tab 2*)

Harold Ickes, as you know, has been a controversial figure in this matter. According to Paul Eckstein, a longtime friend of Secretary Babbitt's, the Secretary told him that "he had been directed by Harold Ickes to issue the decision[.]" Secretary Babbitt, according to Mr. Eckstein's sworn testimony before the Senate Governmental Affairs Committee, also asked Mr. Eckstein "[d]o you know how much...these tribes...had contributed to either the Democratic Party or Democratic candidates or the DNC." (*Tab 3*) Secretary Babbitt has testified under oath that he never talked with Mr. Ickes. It is significant to note that at the time these events were taking place, Harold Ickes was involved in efforts to raise money from Native Americans. (*Tab 4*) Furthermore, other White House employees were having special meetings with Native American leaders based on the success of the voter turnout of their tribes (*Tab 5*), and other large contributors were being afforded special treatment through invitations to White House coffees.

Billing records obtained from lobbyist Patrick O'Connor, a lobbyist for the tribes opposed to the application, clearly reveal that a fundraising strategy revolved around the decision to deny this application. In fact, the day the Hudson application was denied, calendar entries and billing records show that Patrick O'Connor was to "follow-up with Harold Ickes at the White House, D. Fowler at DNC and Terry Mac [McAulliffe] at the Committee to Re-elect, outlining fundraising strategies." (*Tab 6*) Patrick O'Connor was raising money for the Democratic Party, and was soliciting the opposing tribes for money. I don't mean to indicate that this action in itself is illegal because it is not. However, if this money was used to put pressure upon Chairman Fowler, Harold Ickes, and Terry McAulliffe to affect the Department of the Interior's decision, as I believe the evidence strongly suggests, then this impropriety must be addressed.

Fred Havenick, the owner of the existing dog track in Hudson, Wisconsin, confirmed through his testimony before this Committee that political pressure was involved in the Department of the Interior's decision. The Committee has learned that Terry McAuliffe, the Finance Director of Clinton/Gore '96, was involved in applying pressure upon the decision to deny the application. Mr. Havenick testified that Mr. McAuliffe said: "I took care of that problem for you. I got Delaware North's Indian casino project killed -- the one that would have competed with you. I set up the meetings with Fowler and others and turned it around." (*Tab 7*) This was not the only example of political pressure. Patrick O'Connor acknowledged in a fundraising letter, sent by Mr. Kitto to their Native American clients, "[a]s witnessed in the fight to stop the Hudson Dog Track proposal, the Office of the President can and will work on our behalf when asked to do so." (*Tab 8*)

George Skibine, the head of the Indian Gaming Management staff and the career civil servant who Secretary Babbitt has said was responsible for the recommendation to deny the application, attended a meeting on December 3, 1996, in Wisconsin with members of the applicant tribes. Sworn affidavits from people at this meeting describe Skibine's comments as follows: "we approved it but it was disapproved upstairs;" and "staff approved the application but when it went up to the Secretary's office, politics took

over." (*Tab 9*) Although it is true that five Department of the Interior officials also submitted affidavits claiming that they do not recall such a statement, it appears that not all of the people who signed affidavits were at the meeting, (*Tab 10*) and Mr. Skibine's statement under oath that "we told them that we could not talk about Hudson because it was under litigation" (*Tab 11*) does not comport with a contemporaneous letter by the Vice-Chairman of the Lac Courte Oreilles Tribal Governing Board to the Chairs of the Mole Lake and Red Cliff tribes: "George Skabine [sic] . . . suggested they come to Wisconsin on Tuesday, December 3 to meet only with the Chippewa tribes interested in acquiring off reservation land for purposes of establishing a casino, specifically, Hudson. . . . Mr. Skabine [sic] is aware of the need for discretion as his office is scheduled to meet the next day with all of the Wisconsin tribes to provide technical assistance on gaming compact negotiations." (*Tab 12*)

Another contemporaneous memo, drafted by Scott Dacey, a lobbyist working on behalf of an opposing tribe, also indicated politics was an issue. In this memo, Mr. Dacey described a meeting with Michael Anderson, the political appointee who eventually signed the decision. The memo stated: "Mike Anderson said to me after our meeting that they are trying to keep this issue on the merits and they will try to "thread the needle" on this request. Things might change when the politicians like Babbitt and Duffy become involved, but without the law on their side it will be difficult to kill the deal. Should Babbitt come out against Hudson, he will likely find his excuse in section 151 of the CFR. I would strongly suggest we look into this area of the law to help Babbitt reach his conclusion." (*Tab 13*) The Secretary indeed relied upon section 151 to deny the application, although his testimony before this Committee suggests otherwise.

The legal basis for the decision is a matter of considerable importance. Although witnesses at our hearings made light of the fact that there was considerable disarray regarding the rationale behind the decision, this very disarray speaks volumes about what was really happening at the Department of the Interior at the time the application was rejected. If the decision had been business as usual, there would have been no confusion. However, in classic "sentence first, verdict afterwards" fashion, the decision to reject the application was made long before anyone turned his or her attention to how the rejection would be justified. Ultimately, the confusion and factually unsupported aspects of the July 14, 1995, rejection letter are indicative of the fact that the decision to reject was not based on legitimate considerations.

It is also troubling that John Duffy reopened the record for comment by opponents of the application without telling the three applicant tribes. Had not one of the applicant tribes learned by accident that a decision to allow additional information into the record had been made by the Secretary's office, the applicants would probably have been afforded no opportunity to provide any additional comment. Nevertheless, any additional comment period afforded the applicants was worthless in that they were not informed that the new information had practical relevance to the application process. Equally disturbing, the legal basis for the rejection -- reliance on the Secretary's discretion under Section 151 -- was shared exclusively with the opponents at a time when common

practice and direct communication suggested that the accepted standard provided by the Indian Gaming Regulatory Act would be applied. Indeed, in the Greektown application for off-reservation land-into-trust for gaming by the Sault Ste. Marie tribe the previous year, the Department of the Interior followed an entirely different procedure – a Section 20 analysis, consultation with the Governor, and then the pro forma approval under Section 151. (*Tab 14*)

On a related note, I was also very surprised to learn that the lawyer singled out by Mr. John Duffy as providing the key legal advice on the basis for the rejection of the application is a member of one of the Minnesota tribes actively opposed to the application. It is major inconsistencies such as this, and the fact that both Duffy and Tom Collier came to represent the Shakopee tribe -- one of the tribes that benefited most from the rejection of the application -- after leaving their positions at the Department of the Interior, that require a thorough examination of the Department of the Interior conduct in the Hudson matter. Furthermore, it is another striking "coincidence" that Patrick O'Connor hosted a fundraiser for Vice President Gore just before the 1996 election, and that fourteen of the twenty attendees were members of tribes opposed to the Hudson application. It should also be noted that Mr. O'Connor's law firm sent bills to their client for memoranda prepared for both the Vice President and Terry McAuliffe, and neither of these memoranda were produced to this Committee.

II. Community Opposition and Meaningful Consultation Regarding Alleged Deficiencies

Notwithstanding comments to the contrary by Interior officials, the Hudson decision represented new policy for the Department of the Interior. The clearest expression of this came recently when Heather Sibbison informed Interior Spokesman Michael Gauldin in an e-mail dated December 16, 1997: "George [Skibine] is right, we have not really articulated a strict written standard (i.e. a policy) as to what constitutes "detriment" – EXCEPT that it has been our position, first articulated in Hudson, that expressed opposition from local elected officials essentially is prima facie evidence of detriment. (The applicant tribes obviously disagreed with our view on this – they thought we needed to have more hard core "data" of some kind.)" (*Tab 15*) The Department of Justice lawyer handling the civil case had already come to this recognition when he stated: "The second, and related problem [with the civil case] is that the Department appears to have changed in this case its past policy of requiring "hard" evidence of detriment to the community. The plaintiffs will therefore argue that they had no notice, either through past policy or through direct Departmental communication, that the "soft" concerns expressed by local officials would jeopardize their application." (*Tab 16*)

There has yet to be a credible explanation for why the Department of the Interior failed to bring the fact of the policy change to the attention of the applicants. If improper political considerations had not been a part of the Hudson rejection, there would certainly have been a more open dialogue between Interior officials and the applicant tribes.

It is doubly curious that the new policy considerations were not articulated for tribal comment given the existence of a 1994 Presidential directive requiring the Department of the Interior to inform all tribes of new policies impacting Native American concerns. (*Tab 17*) That Interior failed to provide a clear statement of what it was doing and why it was formulating a new policy provides additional circumstantial evidence that the decision was influenced by improper factors.

The decision-makers have repeatedly pointed to community opposition as a reason for the denial. However, George Skibine stated in an e-mail to Department of the Interior employees on June 30, 1995: "I also sense that even if the Town of Hudson and the Town of Troy embrace the proposal, we may still not change our position because of political opposition on the Hill, largely generated by the Minnesota and Wisconsin tribes who oppose this acquisition." (*Tab 18*) These tribes were not arguing that the application should be denied to protect the Indian Gaming Regulatory Act, as Secretary Babbitt has recently been doing. Rather, they were talking about loss of casino revenues, the political affiliations of the applicant tribes, and the false allegation that the extant greyhound track had mafia connections. This point, by the career civil servant in charge of the recommendation, confirms that improper political considerations were driving the process. To recharacterize the Department of the Interior motive at this late date as well-conceived ignores what the evidence clearly shows was happening at the time.

Furthermore, in public commentary to the media and in sworn testimony before this Committee, Department of the Interior officials have gone to tortured lengths to explain that the applicant tribes were given meaningful opportunities to cure any alleged "defects" in their application. Again, these representations fly in the face of testimony by Mr. Skibine and by the Department of Justice's own analysis of the record in this case. The Department of Justice attorney handling the civil case had this to say about the level of consultation between the Department of the Interior and the applicant tribes:

> We are primarily concerned about our ability to show that plaintiffs were told about and given an opportunity to remedy the problems which the Department ultimately found were outcome-determinative. Area Directors are told to give applicants an opportunity to cure problems, and it will be hard to argue persuasively that applicants lose this opportunity once the Central Office begins its review. The Administrative Record, as far as we can tell, contains no record of Department meetings or communications with the applicant tribes in which the Department's concerns were expressed to plaintiffs.

(*Tab 16*) This is consistent with representations made to this Committee by Mr. Skibine:

Q: But prior to the rejection of the application. That is the easy way to do it, to tell people in advance what the problems are and let them cure them?

A: Yes, we could have done that. That is not the way I did the first application. That is not the way we did it at this point.

* * * * *

Q: [H]ere were three poor tribes that had presented an application to the Department of the Interior, and you were making a determination as to whether to approve the application or deny the application. If you, as Director of the IGMS staff, identified a particular problem that might lead to the rejection of the application, did you consider it important to communicate that directly to the applicant tribes to give them an opportunity to cure the problem?

A: Good question. I don't think that I did that on this application, the first application I considered as head of the gaming office. If I were to do that again different now, you know, it might be different, it might be something I would consider doing, but at the time, I didn't do it.

(*Tab 19*) As Mr. Skibine's statements make clear, the characterization of the Hudson rejection as a principled decision made for reasons consistent with historical practice is extremely misleading. This is made even more clear by Mr. Skibine's own words in a candid assessment of the facts of this case: "It is true that extensive factual findings supporting the local communities' objections are nowhere to be found." (*Tab 20*) To go from a policy requiring support for objections to one that gives dispositive meaning to the objections themselves – regardless of their merit or rationale -- stands the Indian Gaming Regulatory Act on its head and could not have been lost on the Secretary of the Interior or any of his advisers. Thus, the need to camouflage the rationale for the decision was even greater at the time. Only by doing a thorough investigation will this matter be fully resolved, and I respectfully suggest that your Department is not capable of avoiding the appearance of impropriety when it investigates the principals in the Hudson application rejection dispute -- Secretary Babbitt, Former Deputy Chief of Staff Ickes, Terry McAuliffe, Vice President Al Gore and his staff, and the President.

In conclusion, I am particularly concerned that your investigators spoke with many of the most significant witnesses before this Committee's subpoena forced the Department of the Interior to release many of the most important documents. The

Department of the Interior failed to produce documents -- or successfully withheld documents might be more accurate -- and I am concerned that this wasteful tactic compromised the investigation by both the Senate and your staff.

The facts and allegations raised during our hearings make it clear that a thorough and independent investigation is required. We will continue our investigation and keep both yourself and the federal District Court in Wisconsin informed of significant developments. Because there are significant unresolved facts leading to the conclusion that covered persons might have violated laws, I urge you to appoint an Independent Counsel to investigate all of the allegations in this case. As you know, I also believe that the best approach to the campaign finance investigation is to put the entire matter into the hands of an Independent Counsel to address the myriad of campaign finance issues that your Justice Department task force is currently investigating. To continue to conduct piecemeal inquiries such as this is not an efficient way to approach these matters and ultimately will not provide the public confidence needed in such an investigation.

Sincerely,

Dan Burton
Chairman

cc: Hon. Henry Waxman

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February 11, 1998

The Honorable Janet Reno
Attorney General
United States Department of Justice
10th and Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Madame Attorney General:

During the course of our investigation into campaign finance violations and improprieties, the Committee has uncovered certain information which I believe is relevant to matters that the Department of Justice Task Force is also investigating.

At this time, I am enclosing additional documents discovered by this Committee. I am confident that the information contained in these documents will assist you in your continuing investigation into campaign finance violations.

As I am sure you are aware, investigators on this Committee were the first to discover the Sanwa Bank records for the Democratic National Committee Asian Pacific Advisory Council, of which Nora Lum was the Executive Director. This Committee subsequently released these bank records to your Task Force.

I hope this new, enclosed information is helpful to you and I look forward to our continuing cooperation regarding this important matter.

Sincerely,

Dan Burton
Chairman

Enclosures
cc: The Honorable Henry A. Waxman

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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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BERNARD SANDERS, VERMONT
INDEPENDENT

February 17, 1998

The Honorable Louis J. Freeh
Director, Federal Bureau of Investigation
J. Edgar Hoover Building
9th Street and Pennsylvania Avenue, N.W.
Washington, D.C. 20535

Dear Director Freeh:

This will confirm discussions of last week with respect to my invitation to you to testify in a closed executive session about the intelligence aspects of the campaign finance investigation. That invitation has been extended to you in my letter of February 2, 1998, a copy of which is enclosed hereto.

It is agreed that you and Attorney General Reno of the Department of Justice will meet with me and Congressman Waxman, the Ranking Minority Member, and our counsel at 9:00 a.m. on Wednesday, March 4, 1998 for a detailed briefing with an 11:00 a.m. briefing in closed executive session with the full Committee to follow. In addition to Members of Congress, Counsel for the Majority and Minority with appropriate top secret clearances will be present. Judy McCoy, Acting Security Director and Chief Clerk for the Committee, will take appropriate steps with security personnel for an electronic counter measure sweep of the meeting room which will be the Member's Lounge of Room 2157 Rayburn House Office Building as well as the full committee hearing room, 2154 Rayburn House Office Building.

Director George J. Tenet of the Central Intelligence Agency and Lt. General Kenneth A. Minihan, Director of the National Security Agency, have previously indicated their availability on either March 3 or 4, 1998. I am in the process of confirming their appearances with you and Attorney General Reno at both the 9:00 a.m. briefing and the 11:00 a.m. full committee briefing.

Upon receipt of this letter, please have a member of your staff confirm your scheduling of this meeting with my Chief Counsel, Richard D. Bennett at (202) 225-5074 or Michael Bopp, Senior Investigative Counsel at (202) 226-2299.

Sincerely,

Dan Burton
Chairman

Enclosure

cc: Honorable Janet Reno, Attorney General
United States Department of Justice

Honorable George J. Tenet, Director
Central Intelligence Agency

Lt. Gen. Kenneth A. Minihan
National Security Agency

Congressman Henry A. Waxman
Ranking Minority Member

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BERNARD SANDERS, VERMONT
INDEPENDENT

February 17, 1998

The Honorable Janet Reno
Attorney General
United States Department of Justice
Tenth Street and Constitution Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Reno:

This will confirm our discussion of last week with respect to my invitation to you to testify in a closed executive session about the intelligence aspects of the campaign finance investigation. That invitation had been extended to you in my letter of February 2, 1998, a copy of which is enclosed hereto.

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Upon receipt of this letter, please have a member of your staff confirm your scheduling of this meeting with my Chief Counsel, Richard D. Bennett at (202) 225-5074 or Michael Bopp, Senior Investigative Counsel at (202) 226-2299.

Sincerely,

Dan Burton
Chairman

Enclosure

cc: Honorable Louis J. Freeh, Director
Federal Bureau of Investigation

Honorable George J. Tenet, Director
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Lt. Gen. Kenneth A. Minihan, Director
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BERNARD SANDERS, VERMONT
INDEPENDENT

February 17, 1998

By Facsimile (310/996-3764) and First Class Mail

Mark Matsumura
Special Agent
Federal Bureau of Investigation
11000 Wilshire Boulevard
Los Angeles, CA 90024

Dear Mark:

As you know, the House Committee on Government Reform and Oversight is investigating allegations of campaign finance abuses and possible violations of law. One of the issues we are examining concerns political contributions made by Ted Sioeng, his family, and his business interests in this country. Our investigation suggests that some of these contributions may have been funded through transfers of money from one or more of the following companies based in Hong Kong:

1) Pristine Investments Limited;

2) R T Enterprises Limited;

3) Dragon Union Limited
Unit 1103-1108 11/F Kwong Sang
Hong Ctr 151-153 Hoi Bun Road
Kwun Tong
2007
Hong Kong;

4) Mansion House Securities;

5) Victory Trading Company
13/F, Blk C, Central
Central District, Hong Kong
50000432745;

6) Hangao Enterprise Limited
272 Queen's Road C.
13/F Block C
Central Mansion
Hong Kong;

7) World Seal Limited;

8) Worldwide Golden Leaf;

9) Susanto-Wing Sun Company Limited
21st Floor, Kai Tak Commercial Building
317-321 Des Voeux Road Central, Hong Kong
5456501; and

10) Shenzhen Jingshai Trading Corporation.

We know little about these companies but would like to know more. We would appreciate you sharing with us whatever information you can relating to them. Please call me at 202/225-0485 to discuss this matter further.

Yours sincerely,

Michael D. Bopp
Senior Investigative Counsel

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BERNARD SANDERS, VERMONT
INDEPENDENT

February 17, 1998

The Honorable Janet Reno
Attorney General
United States Department of Justice
10th and Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Reno:

As you know, the Committee on Government Reform and Oversight has been conducting an investigation into the political contributions and related activities of Yah Lin "Charlie" Trie. Mr. Trie, who just recently returned to the United States, is an important and central subject of this Committee's investigation into illegal foreign fundraising. Mr. Trie left the country soon after the campaign finance scandal broke, and attempts to interview or depose associates of Trie have met with little success as many have invoked the Fifth Amendment or have fled the country.

Two individuals who may have more direct knowledge of Mr. Trie's activities are, Maria P. Mapili, the bookkeeper for Daihatsu International Trading Corporation, a company owned and operated by Mr. Trie, and Charlie Chiang, a local restaurateur. I would like to learn your thoughts about the Committee immunizing from use the testimony of Maria P. Mapili and Charlie Chiang pursuant to Section 6005 of title 18, United States Code.

Ms. Mapili is central to the Committee's investigation. According to a number of witnesses interviewed by the Committee, Ms. Mapili exercised complete control over the financial books at the Arkansas headquarters of Daihatsu International Trading. Ms. Mapili has knowledge of money received by Mr. Trie from foreign sources, including money received from Mr. Trie's Macao-based associate, Ng Lap Seng.

I understand that Ms. Mapili has already been granted immunity by the Justice Department Campaign Finance Task Force. Accordingly, a grant of immunity by the Committee to Ms. Mapili should not interfere with the work of the Justice Department. I would appreciate your views on this matter as soon as possible.

Another individual who may have more direct knowledge of the activities of Charlie Trie is Charlie Chiang, local owner of "Charlie Chiang's" restaurant. Bank records subpoenaed by the Committee demonstrate that large amounts of money were exchanged between Charlie Chiang and Charlie Trie. When the Majority staff recently attempted to schedule Mr. Chiang's

deposition, Chiang's attorney invoked the Fifth Amendment on his behalf and has refused to provide the Committee with a formal proffer concerning what he knows about Charlie Trie.

Unlike Ms. Mapili, it is my understanding that only Committee staff have attempted to interview Charlie Chiang. I envision that after Mr. Chiang received immunity, Committee staff would depose him in a closed setting and that the deposition transcript would be shared only with those who had a need to see it and only within the Committee. The Committee could then determine, based on his deposition testimony, whether Mr. Chiang should be asked to testify in a public hearing. As we have done in the past, we would also be happy to share this testimony with the Task Force.

I would appreciate knowing your views about immunizing from use the testimony of Maria P. Mapili and Charlie Chiang by Friday, February 20, 1997. I look forward to hearing from you.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman,
Ranking Minority Member

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ONE HUNDRED FIFTH CONGRESS

Congress of the United States

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BERNARD SANDERS, VERMONT
INDEPENDENT

February 19, 1998

Louis J. Freeh, Director
Federal Bureau of Investigation
J. Edgar Hoover Building
9th Street and Pennsylvania Avenue, N.W.
Washington, D.C. 20535

Re: Background Checks for Members of the Commission on United States-Pacific Trade and Investment Policy

Dear Director Freeh:

I am writing to request you to confirm whether the FBI has conducted background checks on individuals who were appointed to the Commission on United States-Pacific Trade and Investment Policy in April 1996. As you are aware, in August, the Committee requested records relating to any background checks performed on Yah Lin "Charlie" Trie by the FBI in connection with his appointment to the Commission. We were informed that the FBI had no records responsive to this request.

However, Committee staff has spoken with a number of Commission members who believe that they received a full-field investigation from the FBI in connection with their appointment to the Commission. I am writing to request you to confirm whether the following individuals had any background check performed in connection with their appointment to the Commission. In addition, please describe the type of background check performed on each individual. If certain members received different types of background checks, please explain why they were treated differently. We are not requesting the FBI to provide any of the documents relating to the substance of the background checks performed on any of these individuals.

The following is a list of individuals appointed to the Commission:

Kenneth D. Brody (Chairman)

Clyde V. Prestowitz (Vice Chairman)
Morton Bahr
Jason S. Berman
Eugene Eidenberg
James Fallows
Lawrence M. Johnson
Robert Z. Lawrence
Kenneth Lewis
James C. Morgan
Harold A. Poling
Ron Sims
Bruce E. Stokes
Jackson Tai
Yah Lin "Charlie" Trie
Ko-Yung Tung
Robert A. Wilson, Jr.
Meredith Woo-Cumings

Please produce this information to the Committee as soon as possible. If you have any questions about this request, please contact Chief Investigative Counsel Barbara J. Comstock at (202) 225-5074.

Very truly yours,

Dan Burton

Dan Burton
Chairman

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CHAIRMAN
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BERNARD SANDERS, VERMONT
INDEPENDENT

February 20, 1998

The Honorable Janet Reno
Attorney General
United States Department of Justice
10th and Pennsylvania Avenues, N.W.
Washington, D.C. 20530

Re: Immunity for a Witness Important to the Investigation

Dear General Reno:

The Committee on Government Reform and Oversight is currently investigating the political contributions and related activities of Ted Sioeng. Sioeng, his family, and his business interests contributed $50,000 or more during the 1996 election cycle to the Democratic National Committee, Matt Fong, Treasurer of the State of California, and the National Policy Forum. All of these large contributions, both to Democratic and Republican causes, are subjects of our investigation. As such, I view Sioeng, who left the country soon after the campaign finance scandal broke, as an important and central subject of this Committee's investigation into potentially illegal foreign fundraising.

It has been difficult to investigate Sioeng because he and most of his family have left the country. When subpoenaed by the Senate Committee on Governmental Affairs, Sioeng's daughter, Jessica Elnitiarta, invoked the Fifth Amendment. Similarly, attempts to interview or depose business associates of Sioeng have met with little success. This has forced us to speak to individuals with somewhat peripheral knowledge of Sioeng and his political contributions.

One person we believe may have more direct knowledge of Sioeng is Kent La, the president and registered agent of Loh Sun International. Loh Sun, based in Los Angeles, is the U.S. distributor of a brand of cigarettes manufactured by Sioeng in Cambodia, Singapore, and China. When the Majority staff recently attempted to schedule Kent La's deposition, his attorney invoked La's privilege against self-incrimination and has refused to provide the Committee with a proffer concerning what La knows about Ted Sioeng. The Committee has learned that, at a minimum, the two men traveled, attended social functions and at least one fundraiser, and transacted business together.

I would appreciate very much the benefit of your thoughts on the Committee requesting an order, under title 18, Section 6005 of the United States Code, requiring the testimony of Kent La. I understand that he is not a target of the Department's criminal investigation.

I am available to discuss this matter at your convenience. Please let me know your thoughts by Wednesday, February 25, 1998.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman,
Ranking Minority Member

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BERNARD SANDERS, VERMONT
INDEPENDENT

February 20, 1998

The Honorable Janet Reno
Attorney General
United States Department of Justice
10th and Pennsylvania Ave., NW
Washington, D.C. 20530

Dear Attorney General Reno:

As you are aware, the Committee has been conducting an investigation into the political contributions and related activities of Nora and Gene Lum. In a plea agreement with the Justice Department, the Lums plead guilty to felonies in May 1997 and were sentenced in August 1997. Previously, the Committee asked your opinion regarding granting immuninity to the Lums. You responded unfavorably and the Committee, to date, has not scheduled an immunity vote.

The Committee has since gathered information regarding a close associate of the Lums, Larry Wong. Mr. Wong's association with Nora and Gene Lum began in Hawaii. He then was involved with the Lums in California and the Democratic National Committee Asian Pacific Advisory Council. Witnesses have decribed his relationship with the Lums as very close. After the Lums acquired Dynamic Energy Resources, Inc., Mr. Wong was named as a director of the company. Mr. Wong has invoked his Fifth Amendment privlege and refused to testify before the Committee without immunity.

I would appreciate receiving the Department's views on immunity for Mr. Wong. I would also appreciate being advised of your opinion by February 25, 1998.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman

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ONE HUNDRED FIFTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

MAJORITY (202) 225–5074
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BERNARD SANDERS, VERMONT
INDEPENDENT

February 23, 1998

The Honorable Janet Reno
Attorney General
U.S. Department of Justice
10th and Constitution Avenue, N.W.
Washington, D.C. 20530

Dear General Reno:

This is in response to your letter of January 27, 1998, in which you decline to answer interrogatories propounded by this Committee dated December 16, 1997. Notwithstanding your lengthy response, you fail to state a legally sufficient basis for your refusal to answer the interrogatories. You can withhold information from this Committee only through a proper assertion of executive privilege. You have made no such assertion. Accordingly, please answer the interrogatories by no later than February 27, 1998.

Please note that an assertion that the requested information is "subject to" executive privilege will not be accepted. Only a proper assertion of executive privilege will be accepted.

Thank you for your prompt attention to this important matter.

Sincerely,

Dan Burton
Chairman

U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535

February 23, 1998

The Honorable Dan Burton
Chairman
Committee on Government Reform and Oversight
2157 Rayburn House Office Building
Washington, D.C. 20515-5143

Dear Mr. Chairman:

This is in response to your February 19, 1998 request for information as to whether the FBI has conducted background checks on certain individuals who were appointed to the Commission on United States-Pacific Trade and Investment Policy in April 1996.

In recent telephone discussions with a member of my staff, the Committee requested that we provide you with this information by close of business today. Accordingly, we have conducted a preliminary review of our computer indices to provide you with responsive information as soon as possible. Without further identifying information for these individuals such as dates of birth, social security numbers, etc., we cannot guarantee that our records correspond to your list and must emphasize that the information we are providing the Committee with now is only preliminary in nature and may be subject to change.

FBI records indicate that the FBI performed a "name check" on each individual listed in your letter except James Fallows. The FBI has been unable at this time to locate any record of a name check being requested for James Fallows. Our search revealed that none of the individuals on your list had full field investigations conducted in connection with their appointment to the Commission. If we can be of further assistance to the Committee in this matter, please do not hesitate to contact my office at (202) 324-2727.

Sincerely,

John Collingwood
Assistant Director
Office of Public and Congressional Affairs

1 - The Honorable Henry A. Waxman
Ranking Minority Member
Committee on Government Reform and Oversight
United States House of Representatives
Washington, D.C. 20515

U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 25, 1998

The Honorable Michael Pappas
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Pappas:

This letter responds to the questions you posed to the Attorney General at the oversight hearing concerning the Department's conclusion that individuals involved in an ongoing investigation being conducted by the United States Attorney's Office for the Southern District of New York are not covered by the Independent Counsel Act.

Some individuals whose names have surfaced with respect to various aspects of that matter are connected to the Democratic National Committee (DNC) or the 1996 Clinton/Gore Reelection Campaign Committee. The Department has reviewed the status of individuals identified to date in connection with that investigation and has concluded that none are covered persons under the Act.

DNC officials are not covered by the Act. See, 28 U.S.C. § 591. In contrast, the chairman and treasurer of the presidential campaign committee are covered, 28 U.S.C. § 591(b)(6), as are other campaign "officers" who "exercise authority at the national level." When a campaign staffer is involved in a criminal investigation, the Department is required to conduct an intensive inquiry into his or her title, role and function in the campaign in order to determine coverage. In the case of the individuals involved in the Teamster matter mentioned by you, an examination of their roles and responsibilities led to the conclusion that they were not "officers" within the established meaning of that word, or did not "exercise authority at the national level," and thus were not covered persons under the Act.

I hope this information is of assistance to you. Thank you for your interest in this matter, and if I can be of any further assistance with respect to this or any other matter, do not hesitate to contact me.

Sincerely,

Andrew Fois
Assistant Attorney General

cc: The Honorable Dan Burton
Chairman
Committee on Government Reform and Oversight

The Honorable Henry A. Waxman
Ranking Minority Member
Committee on Government Reform and Oversight

U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 25, 1998

The Honorable Bob Barr
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Barr:

This is in response to inquiries you made of the Attorney General during her testimony before the House Government Reform and Oversight Committee on December 9, 1997.

During the course of the preliminary investigation of former Secretary of Energy Hazel O'Leary, we considered whether the facts alleged by Mr. Johnny Chung might support a violation of several criminal statutes. Our primary focus was on whether there was a violation of 18 U.S.C. § 201, and we considered both the bribery and gratuity provisions of that statute. Additionally, we considered whether there was a potential violation of the Hobbs Act, 18 U.S.C. § 1951, the federal extortion law, 18 U.S.C. § 872, or the Procurement Integrity Act, 41 U.S.C. § 423. As stated in the Attorney General's public filing in this matter, the conclusion that Mrs. O'Leary had no involvement in or knowledge about the solicitation of the charitable donation renders discussion of these criminal statutes, with respect to Mrs. O'Leary, primarily academic. However, they certainly will bear on our continuing investigation of the allegations.

You also inquired about our reasoning with respect to the conclusion contained in the public filing that Mr. Chung received "one or two general 'thank you' statements" from Mrs. O'Leary during the meeting and the subsequent Africare dinner. We are unaware of any press reports of alleged quotes of Mr. Chung that contradict that conclusion. We are sure you will appreciate that in light of the continuing nature of the investigation we are not able to comment or discuss the matter further.

In addition, you raised a question about the February 26, 1996 Memorandum for the Vice President and the talking points attached to that memorandum. Taking the entire document in context, it is clear that the funds referred to in the talking points which are to be raised, in part, through the Vice President's telephone calls are for the DNC's budget, not for the Clinton-Gore budget. Thus,

while we obtained and carefully reviewed the document about which you questioned the Attorney General, it did not alter or cast into any question our conclusion that the Vice President was soliciting soft money for the DNC when he made the telephone calls in question.

We hope that this information satisfactorily responds to your questions. Please do not hesitate to contact us if we can be of further assistance with regard to this or any other matter.

Sincerely,

Andrew Fois
Assistant Attorney General

cc: The Honorable Dan Burton
Chairman
Committee on Government Reform and Oversight

The Honorable Henry A. Waxman
Ranking Minority Member
Committee on Government Reform and Oversight

U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 25, 1998

The Honorable Christopher Cox
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Cox:

During the oversight hearing, you and the Attorney General engaged in a brief discussion concerning the discretionary clause of the Independent Counsel Act, 28 U.S.C. § 591(c). This letter is in further response to your questions.

At the beginning of your colloquy with the Attorney General, you indicated that "the question is whether there is any appearance of a conflict of interest with the Administration investigating itself (emphasis added)." A short time later, however, you asked the Attorney General whether she had previously testified that "a conflict of interest, in order to permit you to proceed under the Independent Counsel statute, must be actual rather than potential (emphasis added)." The Attorney General's answer to you, to the effect that she had so testified, makes clear that she believed you were again drawing a distinction between an appearance of a conflict of interest and an actual conflict. Indeed, it is that distinction that has formed the basis for several prior Department of Justice communications concerning the discretionary clause of the Independent Counsel statute. However, having reviewed the transcript of your questions to the Attorney General, it seems that you were drawing a different distinction--namely, between a conflict of interest that has already materialized and one that may materialize if, for example, the Department were to proceed with a certain line of investigation.

A "potential" conflict of interest--in the sense of an actual conflict that may materialize with respect to a person not otherwise covered by the Act--is sufficient to permit the Attorney General to trigger the discretionary clause of the Independent Counsel statute, so long as there is specific and credible evidence that that individual may have violated federal criminal law. The issue we have discussed at some length previously, is whether a mere appearance of a conflict of interest is sufficient. The statute and its legislative history make it clear that such an appearance is not sufficient grounds

under section 591(c). In light of your expressed interest in this provision of the Act, I am enclosing for your information a copy of the Attorney General's response to Senator Hatch concerning this issue.

At this point, the Attorney General has not concluded that she has a potential conflict of interest with respect to any individuals not covered by the Act as to whom we have specific and credible evidence. Therefore, she has not found it necessary to determine whether she should exercise her discretion to utilize the procedures of the Act with respect to any of the individuals who are now subjects of the campaign financing task force investigation.

I hope this information has been helpful to you, and again, we apologize for any confusion during the hearing.

Sincerely,

Andrew Fois
Assistant Attorney General

cc: The Honorable Dan Burton
Chairman
Committee on Government Reform and Oversight

The Honorable Henry A. Waxman
Ranking Minority Member
Committee on Government Reform and Oversight

U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 25, 1998

The Honorable Christopher Shays
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Shays:

In the course of the oversight hearing, you asked the Attorney General whether she had initiated a preliminary investigation pursuant to the Independent Counsel Act, 28 U.S.C. §§ 591-599, of the Vice President's role in a fundraiser at the Hsi Lai Buddhist Temple. While the Attorney General responded to you that she had not, she wished to provide you with a copy of a recent letter she sent discussing the same question, and did not have a copy available at the hearing. In a letter of October 3, 1997, the Attorney General responded to a request by the majority party members of the Committee on the Judiciary, United States House of Representatives, that she seek appointment of an independent counsel to investigate campaign financing allegations; she specifically referred to the Hsi Lai Temple fundraiser at pages six and seven of her letter.

In light of your expressed interest in the same issue, I am enclosing for your information a copy of the October 3 response. Please do not hesitate to contact me if I can be of further assistance with regard to this or any other matter.

Sincerely,

Andrew Fois

Andrew Fois
Assistant Attorney General

cc: The Honorable Dan Burton
Chairman
Committee on Government Reform and Oversight

The Honorable Henry A. Waxman
Ranking Minority Member
Committee on Government Reform and Oversight

Office of the Attorney General
Washington, D. C. 20530

October 3, 1997

The Honorable Henry J. Hyde
Chairman, Committee on House Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

On September 4, 1997, the Department of Justice received a letter from you and the other nineteen majority party members of the Committee on the Judiciary of the United States House of Representatives in which you request the appointment of an independent counsel to investigate possible fundraising violations in connection with the 1996 presidential campaign. You made that request pursuant to a provision of the Independent Counsel Act (the Act), 28 U.S.C. § 592(g)(1), which provides that "a majority of majority party members [of the Committee on the Judiciary] . . . may request in writing that the Attorney General apply for the appointment of an independent counsel." The Act requires me to respond, setting forth the reasons for my decision on each of the matters with respect to which your request is made. 28 U.S.C. § 592(g)(2).

With respect to each of the matters mentioned in your letter, I have considered all the information known to me as a result of the Department of Justice's ongoing investigation into campaign finance allegations; I have not confined myself to the facts set out in your letter, which are apparently drawn in substantial part from press accounts, and which in some cases are inaccurate or incomplete. You should also know that because many of these matters are the subject of active, ongoing investigation before a grand jury, I am extremely limited in the extent to which I can reveal details concerning these matters. However, I will address each of your identified areas of concern in turn.

With respect to two of the matters mentioned in your letter, I have initiated a "preliminary investigation," as that term is defined in the Independent Counsel Act. The first concerns the allegation involving former Energy Secretary Hazel O'Leary and a $25,000 donation made to a charitable organization by Johnny Chung. The preliminary investigation in that matter began on September 19, 1997. A copy of the Notification to the court initiating the preliminary investigation is enclosed.

The second involves allegations that Vice President Al Gore solicited political campaign contributions as defined in the Federal Election Campaign Act (FECA) in telephone calls that he made from his White House office. The preliminary investigation in that matter began on October 3, 1997. A copy of the Notification to the court initiating the preliminary investigation in that matter is also enclosed.

In each of these cases, I concluded, based upon the results of an initial 30-day inquiry, that a preliminary investigation was necessary. As required by the Act, I will report to you at the end of the preliminary investigation of these matters as to whether or not I have sought appointment of an independent counsel.

With respect to one additional matter identified in your letter -- information indicating that the President may have made phone calls from the White House to solicit political contributions within the meaning of the FECA -- I initiated a 30-day initial inquiry pursuant to the provisions of the Act on September 15, 1997. If, at the conclusion of that inquiry, I determine that the information is sufficient to warrant further investigation of whether the President may have violated federal criminal law, then I will order the initiation of a preliminary investigation into that matter, as well. As required by the Act, I will inform you of my decision at that time.

With respect to the other matters discussed in your letter, I have not initiated a preliminary investigation. If an independent counsel is ultimately appointed with respect to any of the three matters outlined above, I will consider whether these matters, among others, should be referred to the independent counsel as necessary to fully investigate and prosecute the matter on which an independent counsel is sought, or as related to that matter. However, none of them warrants a preliminary investigation pursuant to the Independent Counsel Act.

As you know, matters relating to campaign financing in the 1996 federal elections are under active investigation by a task force of career Justice Department prosecutors and Federal Bureau of Investigation (FBI) agents. I recently added to the task force significant numbers of new investigative and attorney personnel. The task force is continuing to pursue the investigation vigorously and diligently. I can assure you that I have given your views and your arguments careful thought, but at this time, I am unable to agree with your view that an independent counsel should be appointed to handle the investigation of those matters not already subject to Independent Counsel Act procedures.

I would like to briefly address your general observations regarding the Independent Counsel Act. I agree that the statute requires that I conduct a preliminary investigation when I find specific and credible evidence that a covered person "may have violated any Federal criminal law." 28 U.S.C. § 591(a). This does not, of course, mean that the Act is triggered by speculation or innuendo. Nor is it triggered, as you put it, when it is merely "possible" that a covered person committed a crime; rather, it requires specific and credible information which supports a conclusion that a crime may have been committed. This is the standard that I have consistently applied in making determinations under the Act, and I will continue to do so.

I also agree that I am not permitted under the Act to decline to conduct a preliminary investigation based on a lack of evidence of the required criminal state of mind. That is a correct reading of the Act.

However, I must again correct one misunderstanding of the Act contained in your letter. As I explained in detail in my letter of June 19, 1997, to you, in order to invoke the discretionary clause, it is necessary that I find the potential for an actual conflict of interest, as opposed to the mere appearance of a conflict of interest. The plain language of the Act so requires, and its legislative history could not be more explicit. My testimony, which you quote at length, is inapposite; I was describing the basis for the mandatory provisions of the Act. The portions of my testimony quoted by you in your letter have no application to the discretionary provisions of the Act.

1. Allegations Against Covered Persons

Let me now turn to the specific allegations in your letter. You request that I seek appointment of an independent counsel with respect to five broad areas.

a. Bribery of the President. You identify a number of particular political (and, in one case, non-political) donations or contributions by six different individuals and entities -- Johnny Chung, Ernest Green, Charlie Trie, Lippo companies, Mark Jimenez and his employees, and residents of Guam -- and you suggest that those donations or contributions were made in exchange for particular official actions by the President. You correctly note that if this suggestion is accurate, these transactions could violate a number of federal criminal statutes. However, at this time we are aware of no specific and credible evidence -- indeed, we are aware of no evidence whatsoever -- indicating that the President may have demanded, sought, received or accepted, or agreed to receive or accept, any of these donations or contributions in quid pro quo exchange for official action, or participated in any criminal conspiracy to do so.

Indeed, your letter cites no more than speculation in newspaper articles based on the fact that certain government actions favorable to a contributor followed or preceded a contribution. However, it would be inappropriate to commence a criminal investigation every time an elected official took action that benefited any contributor, in the absence of actual evidence that there may have been a quid pro quo. We are aware of no such evidence in the matters to which you refer.

Moreover, several of the transactions to which you refer, based on available information, involve mere access to the President or the White House, purportedly obtained by virtue of political donations. The courts that have addressed the issue have held that such access in exchange for political contributions is not an "official act" that can provide the basis for a bribery or extortion prosecution. See United States v. Carpenter, 961 F.2d 824, 827 (9th Cir. 1992) ("granting or denying access to lobbyists based upon levels of campaign contributions is not an 'official act'").[1] Indeed, one court has focussed on the constitutional right to "petition the Government for a redress of grievances" guaranteed by the First Amendment in refusing to find that alleged gifts provided in hopes of access to an elected public official could amount to a scheme to defraud the public of the official honest services:

> We do not think that the desire to gain access, by itself, amounts to an intent to influence improperly the legislators' exercise of official duties. The government points to no legislative duty to provide equal access to all members of the public; and, from a practical standpoint, we doubt one exists.

United States v. Sawyer, 85 F.3d 713, 731 (4th Cir. 1996). To the extent that the allegations you have set out suggest simply a decision by an elected politician to provide access to political contributors, we conclude that no federal violation is suggested.

The campaign financing task force is investigating the circumstances surrounding many of these contributions for other

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[1] See also, United States v. Rabbitt, 583 F.2d 1014, 1028 (8th Cir. 1978)(official who would make introductions and "gain a friendly ear" for contributors does not commit extortion); United States v. Loftus, 992 F.2d 793, 796 (8th Cir. 1993)(while merely providing introductions and access insufficient to support extortion charges, intending to influence the decisions of those officials on behalf of payors makes out an offense). These two cases stand for the proposition that it is not an extortion when a government official accepts payments in exchange for using his influence to obtain access or meetings with other government officials.

potential violations. Should it develop any evidence that suggests that the President or any other covered person may have participated in any criminal conduct in this regard, I will invoke the procedures of the Act.

b. Unlawful use of government facilities by the President. You next cite two types of events involving the President that occurred within the White House -- Democratic National Committee coffees and overnight stays by guests in the Lincoln Bedroom -- and suggest that these constituted illegal solicitations of political contributions (in violation of 18 U.S.C. § 607), or were benefits made possible by Act of Congress provided in exchange for political activity (in violation of 18 U.S.C. § 600), or amounted to illegal conversions of government property (in violation of 18 U.S.C. § 641).

Section 607 does not apply to events occurring within the residential areas of the White House, and applies only to solicitation of so-called "hard money" contributions. Many of the events you mention may fail to meet even these preliminary requirements of a section 607 offense. Even more broadly, we are aware of no evidence, and you have directed none to our attention, that would suggest that the President requested or received a contribution within the meaning of the FECA from anyone in the course of either the coffees or the overnight visits by his guests. Merely entertaining his supporters in the White House does not constitute a violation of section 607. There are, as you are aware, other difficult legal issues under section 607 as well, but it is sufficient for the moment to discuss only these.

Like the bribery and extortion statutes, section 600 does not apply to providing access in exchange for political contributions; rather, it provides criminal penalties only for promising "any employment, position, compensation, contract, appointment, or other benefit, provided for or made possible in whole or in part by any Act of Congress" in exchange for political activity. As broad as this statute may be, it does not cover mere access, as you assert. An elected official who decides to provide access to a political supporter is not providing a federally funded benefit such as federal employment or a federal contract. We are unaware of any legal precedent or legislative history that would suggest that section 600 is applicable to anything other than the sort of "benefits" expressly set out in the statute.

Section 600 was originally enacted as section 3 of the Federal Hatch Act of 1939, "An act to prevent pernicious political activities." The Hatch Act arose out of extensive hearings by the Congress into political abuses, many of which arose out of the New Deal benefit programs that began during the 1930s, and which are documented in the report by a special Senate

Committee, popularly known as the "Sheppard Committee." S. Rep. No. 1, 76th Cong., 1st Sess. (1939). As is plain from the Report, and as reflected in the language of section 600 itself, Congress was concerned with what was found to be widespread coercion of political support from unwilling citizens in exchange for employment, contract benefits, or other benefits flowing from federal relief programs:

> [W]e have heard from the lips of our people who are working on the W.P.A., and those receiving direct relief, that intimidation, threats, and coercion have been exerted upon them respecting their vote at our elections. That in many instances the threat has been made that if the worker, or the recipient of direct relief, did not vote for the party, or the candidates, as requested the worker would be immediately discharged from the W.P.A. and the recipient of direct relief would not receive further assistance.

84 Cong. Rec. H9604 (daily ed. July 20, 1939)(remarks of Rep. Springer). Thus, based on the language of the statute itself and the legislative history describing the concerns that led to passage of the statute, we conclude that visiting the President in the White House is not a federal program "benefit" within the meaning of 18 U.S.C. § 600.

Finally, you suggest that section 641, the criminal statute barring conversion of government property, was violated by the President when he used the White House for his "private use." The White House is the personal residence of the President, provided to him for his "private use" during his term in office. The mere occupancy and use of the space that has been provided to him as his home is not a criminal theft or conversion of government property. Furthermore, the law recognizes that political events may take place in the White House so long as their costs are reimbursed. 5 U.S.C. § 7324(b)(1); 5 C.F.R. 734.503(a). To the extent that any of these events may have occurred in settings or been of a nature that reimbursement of expenses to the Government was required, and to the extent that there may be questions outstanding as to whether appropriate reimbursement was made, we have no evidence that the President played any role in that process or made any decisions concerning whether or how reimbursement should occur.

Thus, the facts known to me at this time do not indicate that the President -- or any other covered person -- violated any of these criminal statutes in connection with these events. If additional facts should come to light warranting a reassessment of that conclusion, I will do so.

c. Tax violations by the Vice President. You next note that the Hsi Lai Temple, in Hacienda Heights, California, is a

tax-exempt organization and allege that by attending a political fund-raising event at the Temple the Vice President participated in a conspiracy to evade taxes owed by the Temple and to impair the lawful functions of the Internal Revenue Service (IRS), in violation of 26 U.S.C. § 7201 and 18 U.S.C. § 371. The task force has been engaged in thoroughly investigating that event, and as a result has gathered considerable information concerning the Vice President's role in it. To date, we have discovered no information that indicates that the Vice President may have violated the laws you cite, or any other law, in connection with the Hsi Lai Temple event. Absent specific and credible information to that effect, I cannot initiate a preliminary investigation under the Independent Counsel Act.

Should a tax-exempt organization engage in activity prohibited by virtue of its tax-exempt status, the violation may lead to revocation of the organization's tax-exempt status and assessment of taxes due. Such matters are within the jurisdiction of the IRS. Of course, tax privacy laws mean that we have no knowledge of whether any such process is underway. However, if in conducting any examination involving the Hsi Lai Temple, the IRS determines that the Temple or any individuals may have violated federal criminal tax law, then the IRS, using its normal enforcement criteria for referrals, may refer that matter to the Justice Department for further investigation or prosecution. If such a matter implicates a person covered by the Independent Counsel Act, then the preliminary provisions of the Act would be triggered. In any event, we aware of no evidence at this time to suggest that the Vice President was a knowing participant in any conspiracy to violate the nation's tax laws or to obstruct the IRS in its functions.

d. Extortion of campaign contributions by the Vice President. You suggest that the Vice President's solicitations of political donations and contributions constituted illegal extortions or solicitations of a bribe. In order to constitute extortion, a solicitation of political campaign contributions must involve some threat of violence, the wrongful use of a victim's fear that economic harm would result from not providing the funds being solicited, or involve a quid pro quo bribe. 18 U.S.C. § 1951(b)(2) (definition of extortion); 18 U.S.C. § 872 (extortion by officers or employees of the United States). The Vice President is an elected public official and is entitled to seek the financial support of the public. A mere request by him for the assistance of potential donors is not extortion;; nor is it a request for a bribe.

You do not identify any particular instances of threats or other extortionate conduct by the Vice President. The press reports quoted by you, in which anonymous individuals allegedly stated that they "felt pressure," are not sufficient to suggest a violation of law. Should any information come to light that the

Vice President may have actually threatened any of the donors whom he allegedly called seeking political contributions, we will, of course, reassess our conclusions under the requirements of the Independent Counsel Act.

e. FECA violations by the President and Vice President. Finally, you suggest, in general terms, that an independent counsel must be appointed to investigate the involvement of the President and Vice President in possible illegal conduit contributions and contributions by foreign nationals. You suggest that because the President and the Vice President were closely involved in the fundraising of the Democratic National Committee, "reasonable people can ask" whether they participated in alleged violations of the law. While the task force is closely scrutinizing allegations of illegal fundraising, it has to date uncovered no evidence indicating that either the President or the Vice President engaged in conduct constituting a criminal violation of the FECA.

2. Conflict of Interest -- The Act's Discretionary Provisions

In addition to your contention that there is specific and credible information suggesting that covered persons may have violated the law, you also renew the argument advanced in your last letter that investigation of any of the campaign financing matters created a potential conflict of interest warranting my use of the discretionary clause under the Independent Counsel Act.

In urging me to conclude that this investigation poses the type of potential conflict of interest contemplated by the Act, you point to the facts that I was appointed by, and serve at the pleasure of, the President, and that in the past I ran for office as a Democrat. These facts are not by themselves sufficient to establish a conflict of interest with respect to investigations that do not involve alleged criminal conduct by a covered person. As I have noted before, except in extraordinary circumstances not presented by the facts known to us at this time, it is not a conflict of interest for the Department of Justice to investigate allegations of corruption and wrongdoing within the Executive Branch, even at relatively high levels. I cannot accept the suggestion in your letter and from others that merely because some of these allegations involve events that were participated in by the President or Vice President, or involve individuals known to the President or Vice President, or might have an adverse impact on the Democratic Party, there ought to be an independent counsel.

You also allege that in some instances I and the Department have provided to the White House "sensitive information" pertaining to the task force's investigation. I assure you that any such information provided to the White House has been

furnished properly pursuant to my national security obligations and has not impinged in any way on the interests of the criminal investigation. My obligation to keep the President informed of matters affecting the national security has not created any conflict with the Department's conduct of the criminal investigation. Moreover, even were an independent counsel to be appointed, I would still retain my responsibility to relay to the President relevant intelligence necessary for him to exercise his responsibility to protect the national security.

You further cite as evidence of a conflict of interest my opposition to Congressional grants of immunity for what you describe as "low-level figures" such as persons who served as conduits for illegal contributions. The decision to confer immunity upon potential criminal defendants is a significant one, and making it without adequate consideration or information can have a damaging impact on criminal investigations, either by depriving the Department of leverage to secure a witness's full cooperation or by immunizing conduct that is more serious than appears. Indeed, in this case, some of the immunized witnesses revealed in their testimony that they were not mere conduits but had also destroyed relevant documents. Accordingly, the Department of Justice has always attempted to consider these decisions carefully. I am confident that an independent counsel would do the same.

As I have previously pointed out to you, there are times when reliance on the discretionary clause is appropriate, and I have done so myself on a few occasions. However, in each of those cases, I considered the particular individuals involved and the particular factual context in which the allegations against those persons arose, and concluded that it would create a potential conflict of interest for the Department of Justice to investigate the matter. Moreover, even after finding the existence of a potential conflict, I must consider whether under all the circumstances discretionary appointment of an independent counsel is appropriate. In each case, therefore, the final decision has been an exercise of my discretion, as provided for under the Act.

I have undertaken the same examination here. Based on the facts as we know them now, I have not concluded that any conflict of interest would ensue from our vigorous and thorough investigation of the allegations contained in your letter.

In conclusion, I assure you, as I have before on numerous instances, that allegations of violations of federal criminal law with respect to campaign financing in the course of the 1996 federal elections will be thoroughly investigated, and, if appropriate, prosecuted. The Task Force continues to review documents and interview witnesses in connection with many of the events discussed in your letter. If at any time in the course of

the investigation we are made aware of information that a covered person, or a person as to whom the Department of Justice would have a conflict, may have violated the law I will invoke the appropriate provisions of the Act. But with all due respect for your views to the contrary, at this point it appears to me that -- with the exception only of the three specific allegations which have triggered review under the Independent Counsel Act -- these matters should continue to be investigated by the Department of Justice and its career investigators and prosecutors. Should future developments require me to reconsider my decision, I will do so.

Sincerely,

Janet Reno
Attorney General

Enclosures (2)

cc.: The Honorable John Conyers, Jr.
Ranking Minority Member

U. S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General *Washington, D.C. 20530*

FEB 26 1998

The Honorable Bob Barr
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Barr:

This responds to your letters to Attorney General Reno, dated December 24, 1997, and January 29, 1998, which requested the appointment of a special counsel to investigate Mr. Ira Magaziner and other government officials, based upon conclusions reached by Judge Royce Lamberth in his opinion of December 18, 1997. I apologize for the delay in responding to your December letter.

We have carefully reviewed Judge Lamberth's opinion and find no basis for the appointment of a special counsel. As you may know, the circumstances addressed in Judge Lamberth's opinion were fully explored by the United States Attorney for the District of Columbia with specific reference to potential criminal prosecution of Mr. Magaziner. The U.S. Attorney's report concluded that criminal prosecution of Mr. Magaziner was not warranted, a conclusion with which Judge Lamberth stated he "cannot disagree." Association of American Physicians and Surgeons, Inc. v. Clinton, No. 93-0399 (D.D.C. filed Dec. 18, 1997) at 9.

In accordance with standard procedure, your letter also has been referred to the Department's Office of Professional Responsibility (OPR), which has pending a review of Judge Lamberth's concerns insofar as they fall within OPR jurisdiction.

Please do not hesitate to contact me if I can be of further assistance with regard to this or any other matter.

Sincerely,

Andrew Fois
Assistant Attorney General

cc: The Honorable Henry J. Hyde
Chairman, Committee on the Judiciary

The Honorable John Conyers, Jr.
Ranking Minority Member
Committee on the Judiciary

The Honorable Dan Burton
Chairman, Committee on Government Reform & Oversight

The Honorable Henry A. Waxman
Ranking Minority Member
Committee on Government Reform & Oversight

The Honorable Newt Gingrich
Speaker of the House

The Honorable Richard A. Gephardt
Minority Leader

The Honorable Orrin G. Hatch
Chairman, Committee on the Judiciary

The Honorable Patrick J. Leahy
Ranking Minority Member
Committee on the Judiciary

U. S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General *Washington, D.C. 20530*

March 3, 1998

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

Dear Mr. Chairman:

This responds further to your letters of August 13, September 26, and November 23, 1997 to the Immigration and Naturalization Service (INS), which requested the "A" files of certain individuals in connection with the Committee's oversight investigation on campaign finance matters.

As you know, we produced nine A files on November 11, 1997 (Document Nos. 1 - 1267). Enclosed are A files for the following eleven individuals: Liping Chen, Subandi Tanuwidjaja, Laureen Gatot Elnitiarta, Yaohan Gatot Elnitiarta, Yopie Gatot Elnitiarta, Ming Chen, Yuefang Chu, Zheng Wang, Pornpimol Parichattkui, Dong Shao, and David Sugita (Document Nos. 1268 - 1877). While the Department's public disclosure of these records would be prohibited by the Privacy Act, this release to the Committee in response to your oversight request is permissible. See 5 U.S.C. 552a(b)(9). In accordance with our conversations with Committee staff and in order to protect individual privacy interests, medical records have not been included. As we have informed your staff, we have asked the INS to continue searching for other documents that you have requested.

Please do not hesitate to contact me if I may be of further assistance.

Sincerely,

Andrew Fois
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

U. S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 3, 1998

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

Dear Mr. Chairman:

This responds further to your letters, dated October 22, 1997 and December 19, 1997, which requested records relating to the Committee's campaign finance oversight investigation. Specifically, you requested a number of records pertaining to a closed criminal investigation conducted primarily in Hawaii and an open criminal investigation currently being conducted by the U.S. Attorney for the Northern District of Oklahoma.

As you know, we have already provided the Committee with many of the requested materials pertaining to the closed matter based, in part, on information we obtained in a meeting with Committee staff on December 17, 1997. Shortly thereafter, we provided copies of audio tape recordings of Gene and Nora Lum that were made by undercover FBI agents during the investigation in Hawaii. In early January, we provided you a copy of a videotape made during that investigation. On January 17, we provided you more than 800 pages of documents from the FBI's files on the closed investigation and, on January 26, provided you with approximately 760 additional pages from the FBI's files, which are numbered 803-1563.

Enclosed please find more than 450 additional pages of documents responsive to your request. These documents, which are numbered 1564-2020, are from the files of the Criminal Division of the Department of Justice. As is the case for the material that we provided previously, the documents we provided on January 26 and today contain sensitive investigative information. The public disclosure of this information ordinarily would be prohibited by the Privacy Act, but we are providing them to the Committee in response to this oversight request. See 5 U.S.C. 552a(b)(9). Out of a 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 disseminating any of this material outside of the Committee.

The FBI redacted the documents it provided on January 26 in order to protect its sources and methods. The material provided today has been redacted to eliminate references to grand jury or Title III matters, which we are prohibited by law from disclosing. See Federal Rules of Criminal Procedure 6(e) and 18 U.S.C. §§ 2510 et seq. In addition, we have not provided you with documents related solely to matters before the grand jury, such as grand jury subpoenas and attachments, and those related solely to Title III. We also have not provided attorney notes, attorney work product or the declination memorandum that you requested. As you know, materials of this nature are extremely sensitive criminal justice documents that reflect internal deliberations relating to the exercise of prosecutorial discretion. We think that it is very important to protect this essential executive branch function from disclosure that would chill that decision-making process. Declination memoranda also implicate significant privacy interests and are especially sensitive because they concern subjects who have not even been charged, let alone convicted, of any crime. Those privacy interests are elevated where, as here, the document also pertains to other individuals. Accordingly, we would like to work with Committee staff to find alternative means of accommodating the Committee's needs for information that would be consistent with our fundamental interests in the confidentiality of this type of document.

We regret that we cannot comply with your request for "All audio tapes recorded by Ron Miller and subpoenaed in August 1997 and currently in the temporary custody of the FBI office in Oklahoma City, OK." First, Rule 6(e) of the Federal Rules of Criminal Procedure prohibits the government from revealing proceedings before the grand jury, including the fact that particular evidence has been subpoenaed by the grand jury. In addition, as we have previously indicated to your staff, it is the judgment of the U.S. Attorney for the Northern District of Oklahoma that disclosing to the Committee any tapes made by Ron Miller, regardless of whether the government obtained those tapes pursuant to a subpoena or in some other manner, would be harmful to a pending criminal fraud investigation. In accordance with our long-standing policy regarding non-public information relating to pending criminal investigations, it is not appropriate to provide them to the Committee at this time.

The investigation is continuing and not expected to be completed in the near future. We regret any inconvenience that results to the Committee because of this pending criminal

investigation, and we will advise you further when the investigation is completed. Please do not hesitate to contact me if I may be of further assistance.

Sincerely,

Ann M. Harkins

Andrew Fois
Assistant Attorney General

Enclosures

cc: The Honorable Henry Waxman
Ranking Minority Member

U. S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

MAR 5 1998

The Honorable Dan Burton
Chairman, Committee on Government Reform
and Oversight
U.S. House of Representatives
Washington, D.C. 20515-6143

Dear Mr. Chairman:

We have received and reviewed for possible conflicts of interest the materials enclosed with your letter of December 9, 1997. As you may know, all matters relating to former Associate Attorney General Webster Hubbell are being handled by Independent Counsel Kenneth Starr. As to the other persons mentioned in your letter, we do not believe that there is a conflict of interest which precludes the Department of Justice from continuing its investigation.

We appreciate, however, your forwarding the materials, which are being reviewed by members of the Task Force for their relevance to the ongoing investigation.

Sincerely,

Ann M. Harkins

Andrew Fois
Assistant Attorney General

cc: The Honorable Henry A. Waxman
Ranking Minority Member

CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED FIFTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143
(202) 225–5074

March 9, 1998

Honorable Janet Reno
Attorney General
Washington, D.C. 20530

Dear General Reno:

Enclosed is a letter that I sent to the President concerning the lack of cooperation from the Administration in assisting the Committee on Government Reform and Oversight obtain information from China and Hong Kong. I know you are well aware of the extent of the lack of cooperation. This lack of cooperation is hindering both our investigations in Congress as well as the Justice Department Task Force investigation.

As evidence of this lack of cooperation, the Committee recently received a message from the Chinese embassy in Washington, which stated that records of the Bank of China would not be released to the Committee. Furthermore, visas have been denied to Committee investigators seeking to travel to Beijing and Hong Kong.

I hope that you will join me in urging the President to exercise substantially more leadership on this issue.

Sincerely,

Dan Burton
Chairman

cc: Honorable Henry A. Waxman
enclosure

CHAIRMAN

RANKING MINORITY MEMBER

ONE HUNDRED FIFTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

(202) 225–5074

March 9, 1998

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

I am very concerned that the Committee on Government Reform and Oversight is getting no cooperation from our government with its mission to obtain information from China and Hong Kong, regarding the activities of individuals, companies, and government officials in the 1996 American elections. In October 1997, fifteen Members of this Committee sent you a letter asking you to raise the issue of cooperation with this investigation with President Jiang Zemin of China, who made an official state visit to the United States that month. After that meeting, when the question of whether the issue of cooperation was raised, you stated in published reports that President Jiang had "emphatically denied to me personally that their government had tried to do anything to influence the outcome of this election." Clearly by now you know that is not the case.

Representations were made last fall by your National Security representatives and Chinese officials that cooperation would be forthcoming. I know you are well aware of the extent of the lack of cooperation. This lack of cooperation is hindering both our investigations in Congress as well as the Justice Department Task Force investigation.

As evidence of this lack of cooperation, the Committee recently received a message from the Chinese embassy in Washington, which stated that records of the Bank of China would not be released to the Committee. Furthermore, visas have been denied to Committee investigators seeking to travel to Beijing and Hong Kong.

As you are aware, the Committee is investigating serious allegations of wrongdoing concerning the flow of foreign money in the last U.S. elections. The Committee has sent you several letters requesting your assistance over the past year. With more than seventy key Committee witnesses pleading the Fifth Amendment or out of the country, it is imperative that the Committee receives the benefit of the considerable influence that our government possesses with regard to gathering crucial information necessary to this investigation from foreign individuals, companies and governments.

Your leadership on pushing this issue is essential. I look forward to your response.

Sincerely,

Dan Burton
Chairman

cc: Honorable Henry A. Waxman

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED FIFTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143
(202) 225–5074

March 12, 1998

Honorable Janet Reno
Attorney General
Washington, D.C. 20530

Dear General Reno:

To assist you in your continuing investigation of John Huang, Maria Hsia and others, I have enclosed some documents obtained by the Committee on Government Reform and Oversight from the Democratic National Committee containing information about John Huang and Maria Hsia, which I would like to bring to your attention.

Sincerely,

Dan Burton
Chairman

cc: Honorable Henry A. Waxman
enclosure

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED FIFTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143
(202) 225–5074

March 12, 1998

Honorable Louis J. Freeh
Director of the Federal Bureau of Investigation
Washington, D.C. 20535

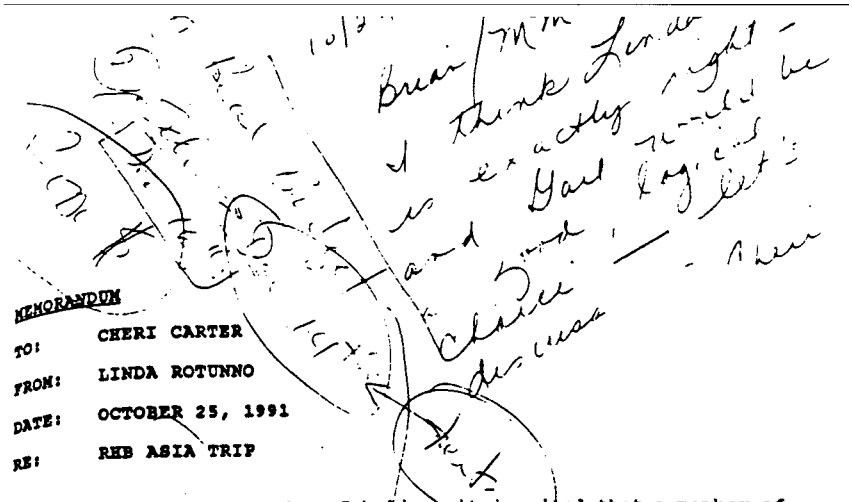
Dear Director Freeh:

To assist you in your continuing investigation of John Huang, Maria Hsia and others, I have enclosed some documents obtained by the Committee on Government Reform and Oversight from the Democratic National Committee containing information about John Huang and Maria Hsia, which I would like to bring to your attention.

Sincerely,

Dan Burton
Chairman

cc: Honorable Henry A. Waxman
enclosure



MEMORANDUM

TO: CHERI CARTER

FROM: LINDA ROTUNNO

DATE: OCTOBER 25, 1991

RE: RHB ASIA TRIP

As I mentioned to you today, I believe it is vital that a member of the DNC finance staff accompany Chairman Brown during his upcoming trip to Hawaii, Hong Kong and Taiwan.

I think we all agree that Melinda Yee's job is to open doors for us in the Asian community and, it is our responsibility to follow-up. In this regard, and because fifty percent of the proposed Asian agenda is fundraising related, it would be impossible for the finance division to work with any new potential Asian donors if we do not have a representative with the Chairman during the trip. As far as our goals are concerned, it would be a wasted trip if we could not finesse these new relationships into real money.

Also, as I mentioned, I propose that Gail Dobert be our representative. Much of the trip will be dealing with prospective donors, which Gail is obviously quite good at. Also, a big part of this trip will be socializing and instilling a sense of friendship in the minds of our new Asian acquaintances and I can not think of anyone who could do this better than Gail. The other important factor will be to have someone along who can work with Maria Hsia and John Huang, and I will work with Gail to build these working relationships before the trip. Finally, because the trip is being fully financed by the government, I do not think cost will be an issue.

I think we should submit this idea to the powers that be and have Gail involved in any future discussions regarding the Asia trip.

Please let me know what you think.

cc: Melissa Moss
Gail Dobert

MEMORANDUM

TO: Melissa Moss, Cheri Carter

FROM: Gail Dobert

DATE: November 12, 1991

RE: Chairman's trip to Asia

While I realize that the bulk of attention last week was focused on the Victory '92 Leadership meeting, I'd like to, at this time, request your attention and input on a memo distributed by Linda Rotunno regarding Chairman Brown's trip to Asia. Her memo, dated October 25th, is attached.

Linda and I, as well as Cheri and I, have discussed this trip and the reasons for my accompanying the group. While I think the reasons for me to attend are sound, I will understand if a decision to the contrary is made. However, I am very much interested in the trip and would like to have the opportunity to discuss it further.

Please get back to me before Melissa leaves for her surgery. Thanks.

cc: Linda Rotunno

Cheri, Gail –
I think Gail should go if possib
you guys are going to have to take the ball to make it happen – you have all my support until 11/18! mm

DNC 0828880

TO: RHB
FR: Melinda Yee
RE: Meeting with Maria Hsia and David Liang
DATE: October 16, 1991

Maria Hsia is in town with her friend David Liang (not David Lang from Mike Woo's Office) for the DSCC meeting. They came over to the DNC this morning to discuss the potential Asia trip with Linda Rotunno and me.

In brief, Maria explained that most of her people in L.A. who were active during the '88 cycle are either burned out of politics or hit by the recession and no longer making large contributions at this time. She strongly believes that this Asia trip is the link that will bring in new money to the DNC from the Asian Pacific American community. Thus, she has volunteered to coordinate the fundraising component of the trip by making key introductions to us of both permanent residents and corporations with subsidiaries in the U.S. Along with myself and Linda, she will do any necessary follow-up to bring the $$ into the DNC as soon as possible.

As you know, the Taiwan part of the trip will be fully sponsored by the CCNAA. Per Maria's recommendation, we should request to stay at the Regent Hotel and she will arrange a private meeting with the owners of the hotel. The Regent is managed by the same people who manage the Beverly Wilshire Hotel in Los Angeles. Roger Pan who owns 30% of the hotel, and has given big $$ to March Fong Eu and Leo McCarthy. Maria will follow-up with him to be a trustee.

For political purposes, we should request the following meetings through the CCNAA:

President
Foreign Minister
Finance Minister
Monopoly Bureau Chief
Head of the Legislative Yuan (equivalent to the Majority Leader of the U.S. Senate)
Major Party Leaders from the KMT and the DPP (the major opposition party)
Business Circle (wealthy business people with close government ties)

Private meetings faciliated by Maria Hsia and David Liang will be as follows:

Lunch with the Lions Club (many wealthy business people with tight ties in U.S.).

Dinner with the Medical Doctors Association (Very wealthy - many are U.S. permanent residents).

Possible meeting with Businesspeople associated with the Golf Club (same)

Chairman of the World Journal Newspaper
(Chinese language positive publicity with circulation in the U.S. and for $$ purposes)

Chairman of the China Times Newspaper
(Chinese language positive publicity with circulation in the U.S. and for $$ purposes)

Chairman of the National Chamber of Commerce (another potential trustee that Maria will follow-up with. He is a member of the RNC's Eagle Club, although doesn't have a clue as to why and has the money to give to us as well).

Chairman of the Evergreen Company (Evergreen helped sponsor your Africa trip; The Chairman has given big $$ to Dianne Feinstein and again Maria will follow-up for trusteeship).

Additional Notes:

It is critical that we keep the government meetings and private meetings (both social and business) completely separate.

During at least two of the evenings, the business people will want you to go out socially with them - to establish friendship and trust (in Asia, you already know that's how they do business there). Since it's currently the fashionable thing to do, they will most likely take you to a karaoke bar where people drink and sing. They will want you to drink and sing with them. Leo McCarthy took a similar trip with them just two weeks ago, and they have already committed big $$ to them (in the neighborhood of $300,000).

Time is short to facilitate all we want to do politically and financially in Taiwan, Hong Kong, and Hawaii. Please let me know as soon as possible if we should proceed. I believe that we have finally found the right nitch to jazz up the big contributors in the Asian Pacific American community.

Thank you for reading yet another memo on this matter...I will speak with you soon.

cc: Alexis Herman
Brian Foucart
Linda Rotunno

TO: RHB
FR: Melinda Yee
RE: Delegation for Asia Trip
DATE: November 14, 1991

Upon speaking with members of the business community involved with the Asia trip, I would like to recommend that Maeley Tom Tom be included as the fifth person of the delegation to Asia.

Because she is the only Chinese/Asian Pacific American to serve on the Executive Committee of the DNC, her presence on the trip would send a symbolic message that the Democratic Party's relationship with the Asian Pacific American community and the business people in Asia is strong and solid.

Originally, she was just going to join us on the Hawaii leg. However, because she can speak Chinese fluently, has a proven track record in fundraising with donors from Asia, and has credibility with Maria Hsia and John Huang, I believe that we will maximize our dollars both immediately and after the trip with Maeley's presence. She has already been working with Maria, John and others to plan a successful trip for us.

As a condition to her for us to extend the invitation, we will need to get her commitment to do the follow-up necessary, along with me, to ensure that we receive all of the money that will be pledged to us through Maria's and John's contacts as soon as possible.

Please let me know if you agree with this strategy. Because we are less than three weeks away, I would like to extend the invitation to her as soon as possible.

The CCNAA has agreed to sponsor five people as our official delegation. The delegation to date consists of:

Chairman Ron Brown
Congressman XXX
Bill Morton
Melinda Yee

Thank you for your consideration. I will speak with you soon.

cc: Alexis Herman
Brian Foucart

TO: RHB
FR: Melinda Yee
RE: Revised Schedule for Asia Trip
DATE: October 22, 1991 23 [redacted]

Here is the proposed revised schedule for the Asia trip. Please note that after further conferring with Governor Waihee's top political and financial strategists, they believe that it would be better if we go to Hawaii after the Pearl Harbor events. Because the $$ aspect is very important to your visit, they felt that your visibility and the $$ delivered would be maximized if you are the total focus of attention. As you can imagine, the attention would not be fully focused on you during the Pearl Harbor events.

As I mentioned in my October 15 memo to you, between Hong Kong and Hawaii, we should be able to bring home at least $100,000, broken down as follows:

John Huang has offered to host an event in Hong Kong with a goal of $50,000.

Nora Lum, Governor Waihee's chief fundraiser has personally guaranteed $25,000. With the Governor's active support (and we need to have you call him in a few days), we can at least double that figure.

Maria Hsia will identify key donors to give to us directly during the Taiwan portion of the trip. She did not want to guarantee anything until she had made some initial inquiries with her business contacts in Taiwan.

December 5	Travel to Taiwan (leave Friday a.m. - lose a day)
December 6	Travel/arrive in Taipei (late p.m.)
December 7	Taipei
December 8	Taipei
December 9	Taipei
December 10	Taipei/Hong Kong (depart p.m.)
December 11	Hong Kong
December 12	Hong Kong/Hawaii (depart afternoon - gain a day)
December 12	Hawaii (arrive a.m.)
December 13	Hawaii/Travel (depart early p.m.)
December 14	Washington, D.C. (arrive a.m.)

For planning purposes, all parties would be most grateful if we can try to come to closure on committing to the trip by the end of this week.

THANK YOU!!!

cc: Alexis Herman
Brian Foucart
Cheri Carter
Dalia Traynham

OCT 23 1991

E 0000636

TO: RHB
FR: Melinda Yee
RE: Update on Financial Commitments to Asia Trip
DATE: November 6, 1991

Over the past several days, I have been working to secure the $$ commitments on the Asia trip. Here is where we stand:

Ping Niu - She is the woman from Houston who guaranteed the $25,000 to us. Yes, we thought the $$ would be there when we got there. However, she explained to me that since we gave them very short notice and did not get them a 'high name recognition person', that she could not deliver immediately through her sources. She recognizes the hard work that you and others went through, however, and will fulfill the commitment. She has gotten a firm commitment of $75,000 from Price Waterhouse in Taiwan who will be able work with a U.S. affiliate to cut the check and present it to us in Taiwan. She will get $25,000 to us by Tuesday, November 12. The other $50,000 will be waiting for us in Taiwan. I know that it hard to be patient on this one, but please be, because it w benefit us greatly.

Maria Hsia - I know that you spoke with her. She has been work diligently to secure $$ there. Thus far, she has secured $10, from an individual named Steve Chung. He is a U.S. citizen who tight with the DPP, the opposition party in Taiwan. They will w to have lunch with you in Taiwan. She is working on several ot firm commitments and is in constant contact with me.

John Huang - Has not yet given any firm $ commitments.

Nora Lum - She will host a private lunch upon our arrival to Honolulu. She will have a labor/construction people there. She will also have a luncheon with black businessmen. She has guaranteed $35,000.

Governor Waihee - You need to call him. His chief aide, John Uchima, has said that the Governor has done a lot of local fundraising and that this is a difficult time for them. However, I believe that you should contact the Governor, explain to him the importance of the trip, emphasizing that you may not be able to make it out to Hawaii again before the '92 elections. So, the time is now for Hawaii to do their thing.

Chairman, the bottom line is that if we take the trip as proposed, we will raise at least $100,000. If we don't do it, for political reasons or others, we need to let all of them know immediately, because there is obviously a lot of work being put forth for us by them.

Thank you for everything, especially your patience. As soon as the $25,000 comes in next week, I will get you the check.

E 0000142

Attached is the proposed flight schedule from the CCNNA.

cc: Alexis Herman
Brian Foucart
Melissa Moss
Cheri Carter
Linda Rotunno
Dalia Traynham

TO: RHB
FR: Melinda Yee
RE: Asia Details
DATE: November 13, 1991

Here is the flight schedule. It is slightly revised, due to flying times (see especially December 10) from the memo I gave you yesterday.

Wednesday, December 4, 1991
9:00 a.m. Leave Washington Dulles Airport via UA173
11:45 a.m. Arrive L.A.
1:00 p.m. Leave L.A. via UA845

Thursday, December 5, 1991
6:50 p.m. Arrive Taipei

Friday, December 6, 1991
Taipei

Saturday, December 7, 1991
Taipei

Sunday, December 8, 1991
Taipei

Monday, December 9, 1991
8:30 p.m. Leave Taipei via CI609
10:10 p.m. Arrive Hong Kong

Tuesday, December 10, 1991
Hong Kong

Wednesday, December 11
10:15 a.m. Leave Hong Kong via CI602
11:40 a.m. Arrive Taipei
2:30 p.m. Leave Taipei via CI018
7:00 a.m. Arrive Hawaii

Wednesday, December 11
Hawaii

Thursday, December 12
Hawaii

Friday, December 13
12:50 a.m. Leave Hawaii via AA1562
7:59 a.m. Arrive L.A.
8:45 a.m. Leave L.A. via AA76
4:27 p.m. Arrive Washington Dulles Airport

Other
The delegation will be staying at the Regent Hotel in Taiwan (same owners as the Beverly Regent in L.A.) and at the Mandarin Oriental Hotel in Hong Kong. Both of these hotels are in the top ten in the world. Maria Hsia is close to the owners of the Regent, and will set up a private meeting for us. Hawaii is nailing down details on accomodations.

I am meeting with the CCNAA people on Friday to discuss meeting details, including your visit with President Lee.

John Huang is setting up a private meeting with you and the Governor of Hong Kong. He is still trying to get $$ commitments from Hong Kong, as well.

Hawaii is setting up a major evening reception for you on the evening of the 11th. It will be a Democratic Party gathering with elected officials and major contributors This is where we will collect the $50,000.

Also, AFSCME is Hawaii will host a large labor breakfast for you on December 12.

Nora Lum will host lunches on the 11th and 12th.

Official Delegation

Chairman Ron Brown
Congressman XXX
Melinda Yee
Bill Morton
XXX

We need to nail down the official delegation asap, so that the airline tickets can be booked.

Other People joining us

These people will joining during various legs of the trip. They are our key business contacts.

Jason Wang (Houston)
Steven Hsu (Houston)
John Huang (L.A.)
Maria Hsia (L.A.)
Maeley Tom (DNC)

Both Jason and Steven are flying out in advance to make further arrangements. Maria has also sent out two people to Taiwan to finalize details and to get further financial commitments.

Finance Update

The following are up-to-date firm commitments of what we will take home. I will be pushing for more solid commitments up to the day we leave. As you know, in addition to what we take home, we will also be developing many new contacts and prospects for 1992.

Taiwan

The businesspeople from Houston will contribute $50,000.
Maria Hsia will bring in at least $10,000.

Hawaii

We will bring in a total of at least $100,000 from Hawaii. The Governor and Nora Lum are working together.

Chairman, as you can see, there is a lot of working being done in the next three weeks to ensure a successful trip, both politically and financially. Please let me know asap if we are on track and everything is a go. THANX!

cc: Alexis Herman
Brian Foucart
Dalia Traynham
Melissa Moss
Cheri Carter
Linda Rotunno

CHRISTOPHER COX, CALIFORNIA
LEANA ROS-LEHTINEN, FLORIDA
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JOHN L. MICA, FLORIDA
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STEVEN C. LATOURETTE, OHIO
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HAROLD E. FORD, JR., TENNESSEE

BERNARD SANDERS, VERMONT
INDEPENDENT

March 13, 1998

Hon. Doris Meissner, Commissioner
Immigration and Naturalization Service
Washington, D.C. 20536

Dear Commissioner:

Recently, James T. Riady surfaced in American news reports. Among other things reported about Mr. Riady, who has failed to cooperate with this Committee's investigation into his role in financing American political campaigns, is that he is "an Indonesian citizen who holds a U.S. green card" (New York Times, Feb. 28).

"Green card" refers to INS Form I-551, the Alien Registration Receipt Card that evidences one's having entered the U.S. as an immigrant and having been admitted to permanent residence. By definition in U.S. immigration law, permanent residents have a relationship to their American "place of general abode" that is "of continuing and lasting nature."

It appears that Mr. Riady has not lived in the United States on a regular basis since 1990. According to information available to the Committee, the last known appearance of James Riady in this country was in September, 1996, when he reportedly met in the White House with John Huang and Mark Middleton. This was approximately a year and a half ago. It has been suggested in some quarters that Mr. Riady's prolonged absence from this country is due to his desire not to be questioned in the ongoing investigations of illegal foreign fundraising by both Congress and the Justice Department.

I would like to inquire what the INS' guidelines are for presumed abandonment of a permanent residence. What are the INS' rules for revoking an individual's green card due to a prolonged absence from the country? If a permanent resident has resided outside of the country for 18 months, would he be in danger of having his permanent residence revoked, or would other factors be taken into consideration? Is there a specific time period (1 year, 2 years, 3 years) after which a permanent resident is presumed to have abandoned his green card?

Your responses to these questions would be most helpful as this Committee pursues it's invesigation.

Sincerely,

Dan Burton
Chairman

Copy: Hon. Janet Reno, Attorney General
Hon. Henry Waxman, Ranking Minority Member

Congress of the United States
Washington, DC 20515

March 17, 1998

The Honorable Janet Reno
Attorney General
United States Department of Justice
10th and Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Reno:

Former attorneys general Bell, Meese, Thornburgh, and Barr recently issued a statement raising concerns about the attacks on Independent Counsel Starr. We hope you agree with their statement that Independent Counsel Starr "should be allowed to carry out his . . . duties without harassment by government officials and members of the bar." They explained their concern as follows:

> As former attorneys general, we are concerned that the severity of the attacks on Independent Counsel Kenneth Starr and his office by high level government officials and attorneys representing their particular interests, among others, appear to have the improper purpose of influencing and impeding an ongoing criminal investigation and intimidating possible jurors, witnesses and even investigators. We believe it is significant that Mr. Starr's investigative mandate has been sanctioned by the Attorney General of the United States and the Special Division of the United States Court of Appeals for the District of Columbia.

They also commented on Mr. Starr's integrity, stating:

> As former attorneys general, we know Mr. Starr to be an individual of the highest personal and professional integrity. As a judge on the United States Circuit Court of Appeals for the District of Columbia and Solicitor General of the United States, he exhibited exemplary judgment and commitment to the highest ethical standards and the rule of law.

We have enclosed their full statement for your review and urge you to publicly speak out against such behavior. We urge you to clearly, and unequivocally state that it is improper for federal government officials to publicly attack a federal prosecutor or other law enforcement official.

Sincerely,

Rep. Dan Burton

Rep. Stephen Horn

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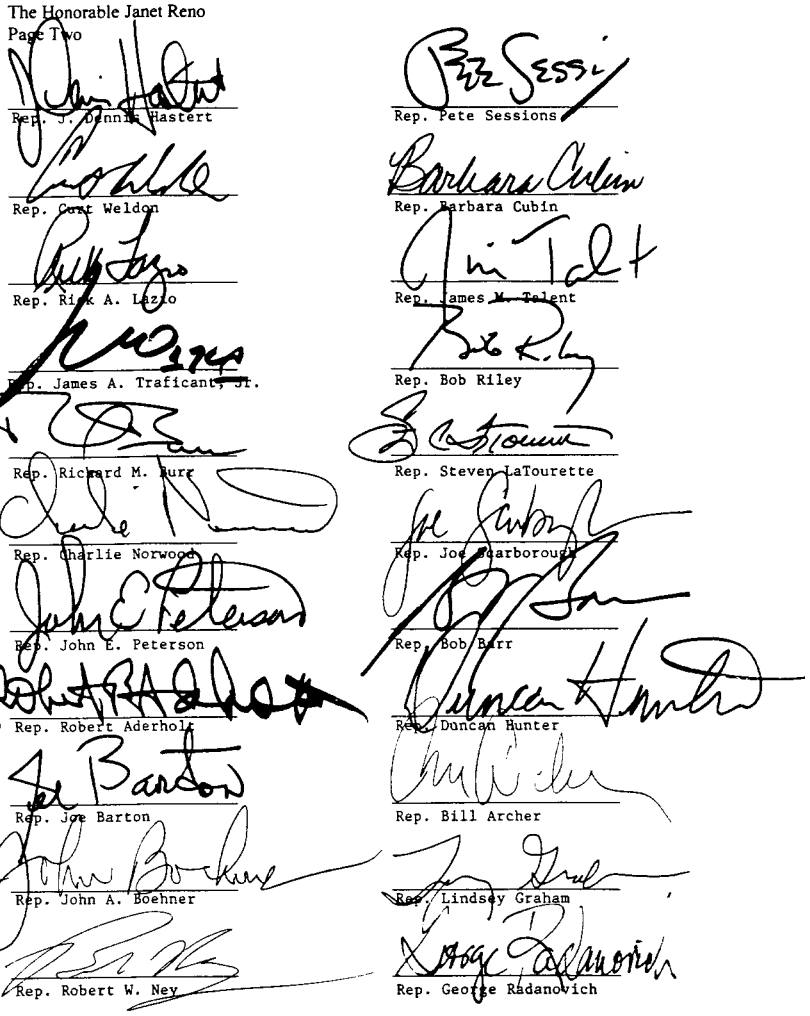
The Honorable Janet Reno
Page Two



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Rep. Richard M. Burr
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Rep. Charlie Norwood
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Rep. Duncan Hunter
Rep. Joe Barton
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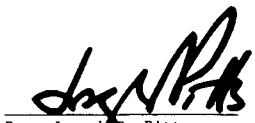
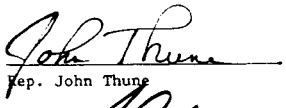
Rep. Lindsey Graham
Rep. Robert W. Ney
Rep. George Radanovich

The Honorable Janet Reno
Page Three


Rep. Vito Fossella


Rep. Joseph R. Pitts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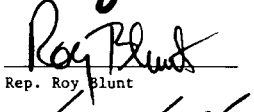
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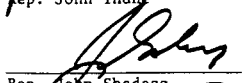
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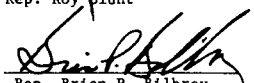
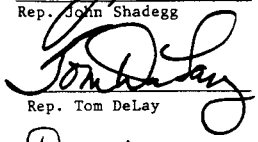
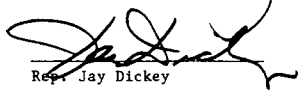

Rep. Brian P. Bilbray


Rep. Tom DeLay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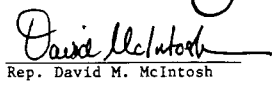
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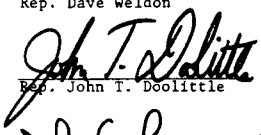
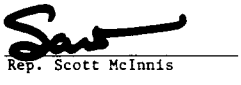
Rep. Robert W. Goodlatte


Rep. Dave Weldon


Rep. Vince Snowbarger


Rep. John T. Doolittle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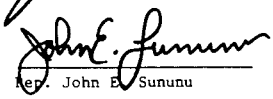
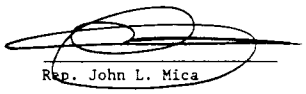
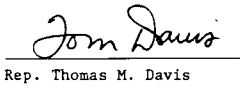

Rep. John E. Sununu


Rep. John L. Mica


Rep. Thomas M. Davis

STATEMENT OF FORMER ATTORNEYS GENERAL

As former attorneys general of the United States, we oppose the Independent Counsel Act. We believed in the past, and we believe now, that the United States Department of Justice is capable of investigating all criminal and civil matters involving the United States government. We also believe that the Independent Counsel Act raises serious constitutional issues involving, among other things, separation of powers and due process. However, we also believe in the rule of law. In Morrison v. Olson, the United States Supreme Court ruled that the Independent Counsel Act is constitutional. Moreover, in 1994, after the law had lapsed, Congress reauthorized the Independent Counsel Act, and President Clinton signed it into law. Therefore, the Independent Counsel Act is today the law of the land, and it must be enforced.

As former attorneys general, we are concerned that the severity of the attacks on Independent Counsel Kenneth Starr and his office by high level government officials and attorneys representing their particular interests, among others, appear to have the improper purpose of influencing and impeding an ongoing criminal investigation and intimidating possible jurors, witnesses and even investigators. We believe it is significant that Mr. Starr's investigative mandate has been sanctioned by the Attorney General of the United States and the Special Division of the United States Court of Appeals for the District of Columbia.

Further, Mr. Starr is effectively prevented from defending himself and his staff because of the legal requirements of confidentiality and the practical limitations necessitated by the ongoing investigations.

As former attorneys general, we know Mr. Starr to be an individual of the highest personal and professional integrity. As a judge on the United States Circuit Court of Appeals for the District of Columbia and Solicitor General of the United States, he exhibited exemplary judgment and commitment to the highest ethical standards and the rule of law.

We believe any independent counsel, including Mr. Starr, should be allowed to carry out his or her duties without harassment by government officials and members of the bar. That counsel's service can then be judged, by those who wish to do so, when the results of the investigation and the facts underlying it can be made public.

Griffin B. Bell
Attorney General for President Jimmy Carter

Edwin Meese III
Attorney General for President Ronald Reagan

Richard L. Thornburgh
Attorney General for Presidents Ronald Reagan and George Bush

William P. Barr
Attorney General for President George Bush

-END-

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BERNARD SANDERS, VERMONT
INDEPENDENT

March 17, 1998

John Collingwood
Assistant Director
Office of Public and Congressional Affairs
Federal Bureau of Investigation Headquarters
Washington, D.C. 20535

Re: Information Requests Relating to the FBI Files Matter

Dear Mr. Collingwood:

Pursuant to instructions received from Special Agent Rob Walsh of your office, this is to request that the FBI provide the following information and material to the Committee on Government Reform and Oversight. Your prompt response would be most appreciated.

Please provide answers to these questions:

1. How many FBI files did the White House return to the FBI on Thursday, June 6, 1996?

2. List in alphabetical order the name and/or other identifying information that appears on each file returned to the FBI on Thursday, June 6, 1996.

3. How many FBI files did the White House return to the FBI after Thursday, June 6, 1996?

4. List in alphabetical order the name and/or other identifying information that appears on each file returned to the FBI after Thursday, June 6, 1996.

5. How many FBI files did the White House return to the FBI before Thursday, June 6, 1996?

6. List in alphabetical order the name and/or other identifying information that appears on each file returned to the FBI before Thursday, June 6, 1996.

Please provide the following:

1. All memoranda dated August 1, 1993, to February 28, 1994, inclusive, addressed as follows:

   TO: FBI, LIAISON
   FROM: BERNARD W. NUSSBAUM
   SUBJECT: FBI Investigations

2. All records, including, but not limited to, computer records, which evidence or in any way make reference to the transmittal of FBI background check materials to the White House, from August 1, 1993 to February 28, 1994, inclusive.

If you have any questions, please feel free to contact Senior Investigative Counsel Uttam Dhillon at (202) 225-5074. Thank you for your prompt attention to this important matter.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman

U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General Washington, D.C. 20530

March 23, 1998

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

Dear Mr. Chairman:

This is to convey information that the Attorney General offered to provide you and Congressmen Cox, Horn, and Sessions during her testimony on March 4 before your Committee in response to questions pertaining to the position of the Department of Justice regarding enforcement of 2 U.S.C. §441e.

The Department of Justice believes that 2 U.S.C. §441e prohibits foreign contributions of soft money.[1] We are prepared, in the correct circumstance, to bring such a case by indictment or information under 2 U.S.C. §437g(d). We are convinced that this view of the statute is correct, although we are cognizant that arguments can be made to the contrary. Relying on the placement of §441e, well after it was first enacted, within the Federal Election Campaign Act ("FECA"), some have argued that §441e does not apply to soft money because the term "contribution" as used in §441e must follow the definition contained in the FECA. A related contention holds that even if §441e does prohibit gifts of soft money, §437g(d) does not provide a criminal penalty for such a violation.

The Department believes that those arguments are not persuasive and that §441e contains its own definition of "contribution" that antedates the definition in FECA, and that the Congress intended that definition to apply to foreign contributions. That definition includes donations made in

[1] "Soft money" is the term used to refer to funds not subject to the provisions of the Federal Election Campaign Act, because they are not contributed or spent for the purpose of influencing a federal election.

connection with election to any political office, which would include state and local elections -- that is, soft money. Under this reasoning, §437g adopts this definition for purposes of applying a punishment to §441e.

The Department also holds to the position that potential defendants have been provided sufficient notice that this activity violates the law by, inter alia, the publication of 11 C.F.R. §110.4(a) by the Federal Election Commission. This regulation clearly states that foreign contributions to non-federal elections are prohibited by §441e.

Because of the possibility that our view of the law would be challenged, the Department has not sought out cases in which to use this prosecutive vehicle. Rather, as in similar situations with other statutes that might be challenged, the Department has chosen to wait for the proper case in which to charge a violation of §441e and, where appropriate, to rely on other charging options to address the criminal conduct being confronted. In addition, because §441e is a misdemeanor, and the conduct it covers may also implicate certain felony statutes, we have often decided to charge the felony instead of the misdemeanor.

If the Congress desires Departmental input into possible legislative action to address arguments that may be made against applying the statute to soft money, we will be happy to provide it. Please do not hesitate to contact me if I may provide you with additional information.

Sincerely,

Ann Harkins
Acting Assistant Attorney General

cc:

The Honorable Henry A. Waxman
Ranking Minority Member
Committee on Government Reform
and Oversight

The Honorable Pete Sessions
Committee on Government Reform
and Oversight

The Honorable Steve Horn
Committee on Government Reform
and Oversight

The Honorable Christopher Cox
Committee on Government Reform
and Oversight

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BERNARD SANDERS, VERMONT
INDEPENDENT

March 24, 1998

Craig Iscoe, Esquire
Assistant to the Deputy Attorney General
U.S. Department of Justice
Office of Legislative Affairs
10th Street and Constitution Avenue, N.W.
Washington, D.C. 20530

Dear Mr. Iscoe:

I am forwarding to you two tapes which were entered into the Committee's hearing record on December 9, 1997 when the Attorney General appeared before the Committee on Government Reform and Oversight. These records were submitted into the record along with other material related to Webster Hubbell, Mark Middleton, Charlie Trie, John Huang and other individuals that may be subject to investigations by the Justice Department.

It has come to my attention that these tapes may not have been copied at the time when we forwarded the records to you and may not have been included in the records you received just before Christmas for your review.

Sincerely,

Richard D. Bennett
Chief Counsel

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HAROLD E. FORD, JR., TENNESSEE

BERNARD SANDERS, VERMONT
INDEPENDENT

March 25, 1998

Via Facsimile: 514-9149

Craig S. Iscoe, Esquire
Assistant to the Deputy Attorney General
U.S. Department of Justice
Office of Legislative Affairs
10th Street and Constitution Avenue, N.W.
Washington, D.C. 20530

Dear Mr. Iscoe:

I appreciate your willingness to discuss issues regarding congressional immunity with me and other Committee staff. The Committee has requested that the Department give its views regarding immunity for a number of individuals and I wanted to take this opportunity to summarize the outstanding requests.

The Committee is interested in learning the Department's position regarding granting use immunity to Charlie Chang, Kent Law, Charles Intriago, Nancy Lee, and Irene Wu. Also, the Committee is interested in learning the Department's position regarding granting act-of-production immunity to Mark Middleton, John Huang, Webster Hubbell, and Mark Jiminez.

At least for the time being, we have withdrawn our interest in immunizing Maria Mapili and look forward to hearing from you in about six weeks regarding immunity for Charlie Chiang.

I appreciate your attention to this matter and look forward to talking to you about this soon.

Sincerely,

Richard D. Bennett
Chief Counsel

cc: Mr. Ken Ballen, Esq.
Chief Minority Investigative Counsel

DAN BURTON, INDIANA
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ONE HUNDRED FIFTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

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BERNARD SANDERS, VERMONT
INDEPENDENT

March 27, 1998

The Honorable Janet Reno
Attorney General
United States Department of Justice
10th and Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Reno:

The Committee on Government Reform and Oversight is investigating a contribution made by Global Resources Management (GRM) to the Democratic National Committee. On August 12, 1996, GRM, an Ohio company, contributed $100,000 to "President Clinton's 50th Birthday Celebration." The evidence reveals that GRM did not generate profits in the United States and bank records demonstrate that GRM was wholly capitalized with foreign funds. Thus, the contribution may have been in violation of the Federal Election Commission.

Two individuals who may have direct knowledge of the contribution are Amed Abdulshafi, CEO, Global Resources Management, and Jeffrey Frank Neimeyer, President, Global Resources Management. I would like to learn your thoughts about the Committee immunizing from use the testimony of Amed Abdulshafi and Jeffrey Frank Neimeyer pursuant to Section 6005 of title 18, United States Code.

These individuals are central to the Committee's investigation. Documents reviewed demonstrate that Abdulshafi and Neimeyer exercised complete control over the finances of GRM. In fact, Amed Abdulshafi signed the $100,000 check made out to the Democratic National Committee.

When the Majority staff recently attempted to depose Mr. Abdulshafi and Mr. Neimeyer their attorney invoked the Fifth Amendment on their behalf to substantive questions and they have refused to provide the Committee with a formal proffer concerning what they know about the contribution without a "queen for a day" letter.

My Chief Counsel, Dick Bennett, has contacted Charles LaBella of the Justice Department Campaign Finance Task Force and it is my understanding that the Task Force is not interested in prosecuting these individuals. Accordingly, a grant of immunity by the Committee

to Mr. Abdulshafi and Mr. Neimeyer should not interfere with the work of the Justice Department. I envision that after Mr. Abdulshafi and Mr. Neimeyer received immunity, Committee staff would depose them in a closed setting and that the deposition transcript would be shared only with those who had a need to see it and only within the Committee. The Committee could then determine, based on their deposition testimony, whether Mr. Abdulshafi and Mr. Neimeyer should be asked to testify in a public hearing. As we have done in the past, we would also be happy to share this testimony with the Task Force.

I would appreciate knowing your views about immunizing from use the testimony of both Mr. Abdulshafi and Mr. Neimeyer by Friday, April 3. 1998 . I look forward to hearing from you.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman,
Ranking Minority Member

DAN BURTON, INDIANA
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BERNARD SANDERS, VERMONT
INDEPENDENT

April 7, 1998

Craig S. Iscoe, Esquire
Assistant to the Deputy Attorney General
U.S. Department of Justice
Office of Legislative Affairs
10th street and Constitution Avenue, N.W.
Washington, D.C. 20530

Dear Craig:

We have discussed in the last few weeks numerous immunity issues, but I am still waiting for a definitive response on the Department's views regarding immunity for the following people, none of whom can be described as major figures in the campaign finance investigation:

1. Kent La - a former business associate of Ted Sioeng
2. Larry Wong - a former associate of Nora and Gene Lum
3. Charles Intriago - a Florida fund-raiser engaged in a "conduit" payment in 1992
4. Nancy Lee - an associate of Johnny Chung who has already been given immunity in the Chung investigation
5. Irene Wu - an associate of Johnny Chung who has already been given immunity in the Chung investigation
6. Terri Bradley - see below
7. Yogesh Ghandi
8. Amed Abdulshafi - CEO of Global Resources Management, a foreign-funded company which contributed $100,000 to President Clinton's 50th birthday celebration
9. Jeffrey Neimeyer - President of Global Resources Management, a foreign-funded company which contributed $100,000 to President Clinton's 50th birthday celebration
10. Simon Chen - a former associate of Ted Sioeng
11. Sioeng Fei Man - a former associate of Ted Sioeng

In addition, I am still awaiting the Department's position regarding act-of-production immunity to Mark Middleton, John Huang, Webster Hubbell and Mark Jiminez.

Since we submitted the above names, I have spoken with Chuck LaBella concerning immunity for Ms. Terri Bradley. As you know from the Federal Election Commission's records, Ms. Bradley was a one-time $20,000 conduit for the German-national Thomas Kramer in connection with a contribution to the Democratic Senatorial Campaign Committee in 1993. Kramer ultimately paid a $323,000 fine in connection with numerous contributions to Republicans and Democrats alike. Ms. Bradley has previously acknowledged being a conduit but has requested immunity from this Committee for any further testimony. Chuck LaBella indicated to me yesterday that he has no objection to immunity for Ms. Bradley.

Regarding Kent La, Chuck LaBella and I have agreed on the procedure which can be followed. Mr. La would initially be immunized with respect to his deposition testimony which, pursuant to Committee rules, is taken in executive session. A designated Justice Department official would then review this testimony prior to Mr. La being called to testify in open session before the full Committee. In the event that the Justice Department official is not satisfied with the testimony, it would remain in executive session, not to be released at any time to the public.

Finally, yesterday Chuck LaBella indicated that he had noted for your review those areas of inquiry of Johnny Chung to which he would have no objection. I am extremely anxious to hear of the Department's position on the Committee calling Johnny Chung to testify before it.

Sincerely,

Richard D. Bennett
Chief Counsel

cc: Kenneth M. Ballen, Esq.

U. S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

APR 7 1998

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

Dear Mr. Chairman:

This is in response to your inquiry regarding the potential testimony of Larry Wong before your Committee. You have indicated that Mr. Wong has invoked his Fifth Amendment privilege, and has refused to testify without immunity. The Department of Justice has no objection to the Committee providing Mr. Wong with immunity.

Please contact us if we can be of further assistance in this or any other matter.

Sincerely,

Ann M. Harkins

Ann M. Harkins
Acting Assistant Attorney General

cc: The Honorable Henry A. Waxman
Ranking Minority Member

DAN BURTON, INDIANA
CHAIRMAN

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BERNARD SANDERS, VERMONT
INDEPENDENT

April 16, 1998

The Honorable Janet Reno
United States Department of Justice
Office of Legislative Affairs
10th Street and Constitution Avenue, N.W.
Washington, D.C. 20530

Dear General Reno:

I am writing to express my concern about the possible transfer of sensitive guided missile technology to the People's Republic of China after a Long March III rocket exploded in February 1996 killing six people and destroying a commercial U.S. communications satellite.

A New York Times editorial published on April 15, 1998 and related stories in the New York Times mentioned that the Justice Department is investigating whether classified technology was transferred to China by Loral Space and Communications and Hughes Electronics following the failed launch. The editorial questions whether the Administration's relaxation of technology transfer barriers is connected to large contributions to the Democratic National Committee by those companies and Bernard Schwartz, Chairman and CEO of Loral.

The Committee has been following this issue and has information that may be helpful to your investigation. Liu Chao Ying is the Managing Director of China Aerospace International, the company that built the rocket that exploded in 1996. She is the daughter of senior Chinese General Liu Huaqing. Johnny Chung, a central figure in the Committee's fund-raising investigation, had numerous contacts with Ms. Liu.

In August 1996, Chung wrote to Liu, inviting her to visit the United States. Chung said that he had arranged meetings for Liu with representatives of Boeing and McDonnell Douglas regarding her "interest of purchasing aircraft miscellaneous parts."

Chung also referred to a meeting between Liu and Israel Sendrovic, Executive Vice President of the Federal Reserve Bank in New York City. In August 1996, Chung brought Sendrovic and man named Yat Hung Yiu to the President's birthday celebration in New York. Yiu is the president of New Silver Eagle Holdings, a company that wired $80,000 to Chung weeks after the birthday event. Sendrovic's son, Barry, worked for New Silver Eagle Holdings.

Also in August 1996, Chung escorted representatives of China Aerospace to a meeting with officials at the U.S. Securities and Exchange Commission.

I would like to meet with the appropriate Justice Department staff to receive a briefing on these important issues next week. It is my hope that such a discussion would be beneficial to your investigation as well as that of the Committee.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman
The Honorable Louis Freeh

U.S. Department of Justice
Immigration and Naturalization Service

CO 703.1653

Office of the Commissioner

425 I Street NW.
Washington, DC 20536

APR 21 1998

The Honorable Dan Burton
Chairman, Committee on Government
Reform and Oversight
U.S. House of Representatives
Washington, D.C. 20515-6143

Dear Mr. Chairman:

This is in response to your letter of March 13. In your letter, you inquired about the Immigration and Naturalization Service's guidelines and rules for "presumed abandonment of a permanent residence" and "revoking an individual's green card due to a prolonged absence from the country."

There are essentially two aspects to the question about the effect of a resident alien's prolonged absence on his or her right to return to the United States. The first aspect concerns whether the resident alien has abandoned his or her status as an alien lawfully admitted for permanent residence. The leading precedent decisions are *Matter of Huang,* 19 I & N Dec. 749 (BIA 1988) and *Matter of Kane,* 15 I & N Dec. 258 (BIA 1975). In these cases, the Board of Immigration Appeals held that the question of abandonment of permanent residence is, chiefly, a question of the person's intent. If an alien who has been admitted as a permanent resident departs the United States intending not to return but, instead, to reside permanently abroad, the alien abandons his or her status. The length of the person's absence is not automatically controlling, but can be strong evidence of the person's intent. Departure in order to place oneself beyond the jurisdiction of the United States would also be strong evidence of an abandonment of permanent resident status.

The second concerns what the Service can do while the alien remains abroad. An alien who has been admitted as a permanent resident retains at least a colorable claim to that status until the Service has obtained a final removal order against that person. 8 C.F.R. § 1.1(p). Before the Service could obtain a removal order against an alien who is abroad, the alien would have to return to the United States and apply for admission. The Service would bear the burden of proving that the alien abandoned his or her permanent resident status. *Matter of Huang, supra.* We do note that a person who has been abroad for more than 1 year may not use his or her

alien registration receipt card (Form I-551) as a travel document. 8 C.F.R. § 211.1(a)(2). Thus, the alien would ordinarily have to apply for a visa as a returning resident, and would have to prove to the satisfaction of the United States consular officer abroad that he or she is still a permanent resident.

If I may be of further assistance, please do no hesitate to contact me.

Sincerely,

Doris Meissner
Commissioner

cc: The Honorable Henry Waxman
Ranking Minority Member

U. S. Department of Justice

Criminal Division

Office of the Assistant Attorney General *Washington, D.C. 20530*

April 22, 1998

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

Dear Mr. Chairman:

I am writing in response to your letter of April 7, 1998 requesting the Department of Justice's position on the Committee on Government Reform and Oversight granting immunity to Kent La. As you know, we have met with Dick Bennett, Kenneth Ballen and other members of the Majority and Minority staff in an attempt to accommodate the Committee's desire to obtain Mr. La's testimony and our desire that any action by the Committee not compromise the Department's ongoing criminal investigation. In our view, if Mr. La were to testify publicly at this time, the Department's criminal investigation could in fact be compromised. Even if Mr. La were to testify in a closed session, any disclosure or leak of that testimony, whether intentional or inadvertent, could seriously compromise the investigation and any subsequent prosecutions, under the rulings of Kastigar, North, Poindexter and related cases.

During our discussions with the Committee staff, most recently on April 20, 1998, we tried to convey to you that our preference would be to avoid any Committee action to immunize him. Because of your strong interest in securing his information at this time, we nevertheless indicated our willingness not to oppose a grant of immunity to Mr. La under certain conditions. The Department of Justice, therefore, is willing to withdraw its objection to the Committee granting immunity to Mr. La if, and only if, it agrees to adhere strictly to the following conditions in examining Mr. La. Based on our discussions with Committee staff, we understand that these conditions are acceptable to the Committee. The conditions that the Committee agrees to follow in return for the Department of Justice withdrawing its objection to the Committee granting immunity to Mr. La are:

1. The Committee will take Mr. La's deposition in a closed executive session attended only by Mr. La, his counsel, one staff member from the Majority, one staff member from the Minority, and a court reporter.

2. The reporter will make only two copies of the deposition transcript.

3. The Committee staff who took the deposition will be provided one copy of the deposition transcript and will maintain that copy at a mutually acceptable secure location under conditions that assure that only authorized persons may have access to the transcript and that no copies of the transcript may be made. The only persons authorized to have access to the transcript are Members of the Committee, the two staff members who took the deposition, and the majority and minority chief counsel, if they are not the same persons who took the deposition. [The persons described in the preceding sentence are hereinafter referred to as "the authorized persons.]"

4. The authorized persons may not copy the transcript, but may take notes, as long as they maintain the notes at the same location and under the same conditions as the transcript is maintained. The authorized persons may discuss the transcript with any other authorized persons, but may not discuss any aspect of the substance of the transcript with any other person, including Committee staff, other Members of Congress, or the public until such time as the Justice Department states that it has no objection to public disclosure of the testimony because release of the transcript or its contents would not compromise the criminal investigation.

5. The second copy of the transcript will be provided to a designated attorney within the Department of Justice, but who is not assigned to the Campaign Financing Task Force, who will review the transcript to determine if public release of the testimony could compromise the Department's ongoing criminal investigations. The designated attorney will maintain the transcript in a secure location. No Department of Justice employee other than the designated attorney will be permitted to review the transcript.

6. The Committee will not present Mr. La's public testimony until and unless the Department of Justice attorney has made the determination, discussed in No. 5, above, that public disclosure of the transcript or its contents would not compromise the investigation.

7. The designated attorney will meet with attorneys and investigators conducting the criminal investigation as necessary in order to obtain the facts needed to evaluate the transcript. The designated attorney will not discuss the transcript or its contents with any other employee of the Justice Department, or any person other than the two staff members who took Mr. La's deposition or the majority and minority chief counsel, until and unless the designated attorney has made the determination discussed in No. 5, above.

We recognize that under 18 U.S.C. § 6005, the Committee has the statutory authority to vote to grant immunity to a witness regardless of the position of the Justice Department. We believe, however, that the terms and conditions set forth above will satisfy the Committee's needs while hopefully protecting the Justice Department's interest in conducting thorough investigations and prosecutions that are not subject to Kastigar hearings or related challenges. The Department has determined that if the Committee were to grant Mr. La immunity under 18 U.S.C. § 6005 at this time and absent the restrictions outlined above, it would clearly compromise the Department's ongoing criminal investigation and make it more difficult to obtain convictions of any person(s) who might eventually be charged with a crime.

Sincerely yours,

Mark M Richard
Acting Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

U. S. Department of Justice

Criminal Division

Office of the Assistant Attorney General *Washington, D.C. 20530*

April 22, 1998

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

Dear Mr. Chairman:

This is in response to your inquiry regarding immunity for Theresa Bradley. The Department of Justice has no intention of seeking to prosecute Ms. Bradley for substantive campaign financing violations. The Department strongly opposes the Committee extending immunity to Ms. Bradley, however, because the Department has determined that if Ms. Bradley were to testify to the Committee or its staff, either publicly or in executive session, about the matters of concern to the Committee, it could seriously compromise several ongoing criminal investigations. Although Ms. Bradley would face no adverse legal consequences from testifying, her testimony could alert other persons that they are subjects of the Department's Campaign Financing Task Force's investigation or permit those persons to shape their statements to Ms. Bradley's testimony. The Department, therefore, believes that by granting Ms. Bradley immunity at this time, the Committee would compromise the Department's criminal investigation and could help persons who may have committed criminal campaign financing offenses avoid successful prosecution.

We will contact you if new circumstances should change the Department's position.

Sincerely,

Mark M Richard
Acting Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

DAN BURTON, INDIANA
CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
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HAROLD E. FORD, JR., TENNESSEE

BERNARD SANDERS, VERMONT
INDEPENDENT

April 24, 1998

The Honorable Janet Reno
Attorney General
United States Department of Justice
10th and Pennsylvania Avenue N.W.
Washington, D.C. 20530

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform and Oversight hereby requests certain records.

Definitions and Instructions

1. For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

5. No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3½ inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

10. For purposes of this subpoena "White House" refers to any and all employees, representatives, officers, contractors, volunteers, interns, agents and/or consultants, whether paid or unpaid, of the Executive Office of the President; the

President; the Vice-President and his office; the First Lady and her office; the Office of National Security Affairs; the National Security Council; and/or the executive branch assigned to, or working at the White House, regardless of designation describing their service at the White House.

11. For purposes of this subpoena, "Democratic National Committee" refers to any and all employees, representatives, officers, directors, contractors, volunteers, interns, agents and/or consultants, whether paid or unpaid, of the Democratic National Committee.

12. For purposes of this subpoena, "Clinton/Gore '92" and "Clinton/Gore '96" refer to any and all employees, representatives, officers, directors, contractors, volunteer, interns, agents and/or consultants, whether paid or unpaid, of Clinton/Gore '92 and Clinton/Gore '96, respectively.

Requested Items

Please provide the Committee with the following:

1. With regard to any investigation conducted by the FBI from January 1992 through the present concerning alleged illegal campaign financing activities, including but not limited to, prosecutorial memoranda and FBI investigative reports (302's), relating to Gregori Loutchansky, Vadim Rabinovich, Sam Domb, Nordex, Ostex and Alura AG.

Sincerely,

Dan Burton
Chairman

U.S. Department of Justice

Office of the Inspector General

By Facsimile and U.S. Mail

April 29, 1998

Richard Bennett
Chief Counsel
U.S. House of Representatives
Government Reform and Oversight Committee
2157 Rayburn House Office Building
Washington, DC 20515-6143

Dear Mr. Bennett :

Thank you in advance for your willingness to meet with members of the Department of Justice (DOJ) Office of the Inspector General (OIG) team conducting the inquiry regarding the handling and dissemination by the FBI of foreign intelligence (FI) and foreign counterintelligence (FCI) information related to the ongoing campaign finance investigation. We appreciate your cooperation and assistance in our review.

This letter is to confirm the appointment Special Agent Kim Thomas set up in her telephone calls to you and Mr. Ken Ballen on Tuesday, April 28, 1998. As she discussed with you, the OIG team members will meet with you, Ms. Barbara Comstok, and Mr. Ballen in HGRO office space in the Rayburn House Office Building on Wednesday, May 13, 1998, at 10:30 a.m.

As Special Agent Thomas indicated during her telephone call, the OIG is requesting various documents to assist in our inquiry. We recognize that your committee may not be able to give us copies of all of the requested documents. Nevertheless, if there are any documents for which you can not provide copies, we would appreciate the opportunity to at least review such documents at the time of the interview and take notes. Our initial document request is as follows:

1. A list of all briefings relating to the campaign finance investigation given to HGRO members or staff since January 1, 1997 by the FBI or DOJ, including a listing of the subjects of each briefing, the names of the persons conducting each briefing, and the names of the HGRO members or staff present.

2. Any documents, notes, or working papers relating to the aforementioned briefings, including any documents provided by the briefers in connection with such briefings; briefing papers, notes, or outlines provided by the briefers to HGRO members or staff; and notes or memoranda prepared by HGRO members or staff memorializing such briefings.

3. Copies of all requests for documents or information, including subpoenas and correspondence, issued by HGRO members or staff to the FBI or DOJ seeking information relating to the campaign finance investigation, and the subsequent submissions provided in response to those requests.

The security clearances of the OIG team members who will be conducting the interview, Leonard E. Bailey and Kimberly A. Thomas, may be confirmed by contacting Lorraine Butler, Terrorism and Violent Crime Security Officer, at (202) 514-9871 and Doris Vinson, OIG Security Officer, at (202) 616-4508, respectively.

If you have any questions about these requests or need further information, please do not hesitate to contact Leonard Bailey at (202) 514-0379, or Kim Thomas at (202) 307-1286.

Again, thank you for your assistance and cooperation in this matter.

Very truly yours,

Glenn A. Fine
Director
Special Investigations and
Review Unit

CC: Barbara Comstok
Chief Investigative Counsel
U.S. House of Representatives
Government Reform and Oversight Committee

Ken Ballen
Chief Investigative Counsel
U.S. House of Representatives
Government Reform and Oversight Committee

U.S. Department of Justice

Washington, D.C. 20530

May 1, 1998

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

Dear Mr. Chairman:

This responds to Congressman Sessions' questions to the Attorney General at the Committee hearing on March 4, 1998 regarding the immigration status of five individuals. Although disclosure of this information ordinarily would be prohibited by the Privacy Act, we are providing it to the Committee pursuant to its oversight responsibilities. 5 U.S.C. Sec. 552a (b) (9). Out of a 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 disseminating any of this material publicly.

The information you requested is as follows. Maria Hsia and John Huang are United States citizens. James Riady is a permanent resident alien. Ted Sioeng and Mochtar Riady are foreign nationals who are not permanent resident aliens of the United States.

Please do not hesitate to contact me if I may be of additional assistance on this or any other matter.

Sincerely,

Ann M. Harkins
Acting Assistant Attorney General

cc: The Honorable Henry A. Waxman
Ranking Minority Member

U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

May 1, 1998

The Honorable Pete Sessions
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Sessions:

This is in response to your March 4, 1998 inquiry to the Attorney General concerning the Justice Department's knowledge of contacts between Maria Hsia and the White House. Unfortunately, providing that information could violate Rule 6(e) of the Federal Rules of Criminal Procedure and also compromise the ongoing criminal prosecution of Ms. Hsia. We regret that we cannot provide you the information that you requested.

Please do not hesitate to contact me if I may be of further assistance on this or any other matter.

Sincerely,

Ann M. Harkins
Acting Assistant Attorney General

cc: The Honorable Dan Burton
Chairman, Committee on
Government Reform and Oversight

The Honorable Henry A. Waxman
Ranking Minority Member, Committee on
Government Reform and Oversight

U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

May 1, 1998

The Honorable John L. Mica
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Mica:

I am writing in response to your March 4, 1998 inquiry to the Attorney General as to the number of attorneys and agents currently assigned to the Campaign Financing Task Force. There are 50 agents (including 6 in Los Angeles and 1 in Little Rock) and 25 analysts (18 intelligence research specialists, 6 financial analysts, and 1 investigative analyst). There are 24 attorneys assigned to the matter.

To date, the grand jury has issued approximately 1400 subpoenas.

Please do not hesitate to contact me if I may be of further assistance on this or any other matter.

Sincerely,

Ann M. Harkins

Ann M. Harkins
Acting Assistant Attorney General

cc: The Honorable Dan Burton
√ Chairman, Committee on
Government Reform and Oversight

The Honorable Henry A. Waxman
Ranking Minority Member, Committee on
Government Reform and Oversight

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

May 5, 1998

The Honorable Christopher Cox
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Cox:

This is in response to your March 4, 1998 inquiry to the Attorney General regarding what actions the Department of State has taken to encourage the Peoples Republic of China (PRC) to provide the assistance the Department of Justice has requested from the PRC in its Campaign Financing Investigation. We can assure you that the State Department has raised this issue with the Chinese at senior levels. We are continuing to work with the State Department in our efforts to persuade the PRC to provide the cooperation we have requested.

Please do not hesitate to contact me if I may be of further assistance on this or any other matter.

Sincerely yours,

Ann M. Harkins
Acting Assistant Attorney General

cc: The Honorable Dan Burton
Chairman, Committee on Government
Reform and Oversight

The Honorable Henry A. Waxman
Ranking Minority Member

DAN BURTON, INDIANA
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ONE HUNDRED FIFTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
2157 RAYBURN HOUSE OFFICE BUILDING
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THOMAS H. ALLEN, MAINE

BERNARD SANDERS, VERMONT
INDEPENDENT

May 5, 1998

Ms. Doris Meissner
Immigration and Naturalization Service
Chester A. Arthur Building
425 Eye Street, N.W.
Washington, D.C. 20536

Dear Commissioner Meissner:

As you are aware, the House Committee on Government Reform and Oversight is conducting an investigation of campaign finance abuses and possible violations of law. I am writing to request the assistance of the Immigration and Naturalization Service ("INS") with our effort.

It has come to my attention that, over time, we have requested INS information on a number of individuals, and that some of the individuals we seek information on appear in more than one request. It has also come to my attention that many of our requests -- most of which were made several months ago -- remain only partially satisfied. As a result, I am writing to let you know what information is of particular importance to the Committee, and to request that you provide such information on an expedited basis.

We ask that you share with us all information the INS maintains or can obtain on the following individuals:

1) Ted Sioeng;
2) Sundari Elnitiarta;
3) Jessica Elnitiarta;
4) Sandra Elnitiarta;
5) Yanti Ardi;
6) Nanny Nitiarta;
7) Ridwan Dinata;
8) Didi Kurniawan;
9) Subandi Tanuwidjaja;
10) Susanto Tanuwidjaja;

11) Suryanti Tanuwidjaja;
12) Kent La;
13) Vinh B. La; and
14) Sioeng Fei Man.

We are interested in the following information on each of the aforementioned individuals: immigration status; for non-immigrants, all information on the visas they have obtained or applied for; entry and exit records; and any additional information contained in the INS' central index system, non-immigrant information system, or master index. As you can see, we have attached a chart setting forth identifying information we believe will assist in your searches. Please provide both the Majority and Minority staffs a copy of any relevant information you find. If you cannot find information on one or more individuals, please so indicate to us in writing.

With respect to Subandi Tanuwidjaja, it appears the INS produced to us an incomplete set of documents. From the information you have shared with us thus far, we are unable to determine even his immigration status. I would ask that you have your staff review the relevant files again and provide to us copies of any additional information they find.

Finally, as in the case with the materials on Subandi Tanuwidjaja, it is likely we will need to request additional or clarifying information relating to the materials you provide to the Committee on other individuals. I ask that the INS permit such requests to be made orally by Committee staff to the INS through its Office of Congressional Relations or a Department of Justice representative. I believe such an arrangement will be the most expedient.

I appreciate your cooperation on this matter. Please have your staff contact Michael Bopp, Senior Investigative Counsel, or Jason Hopfer, Investigative Attorney, at 202/226-2299 to coordinate the INS' response to this request.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman
Craig Iscoe, Counsel to the Deputy Attorney General
Allen Eranbaum, Director, Office of Congressional Relations

Personal Information

Name (Alias)	Indentifying Numbers	Date/Place of Birth
Ted Sioeng (Sioeng San Wong, Hsiung De-Leung)	Nonresident Belize Passport	(Indonesia)
Sundari Elnitiarta (San Nio NIE) - wife of Ted Sioeng	Permanent Resident Card? SSN#	(Indonesia)
Jessica Elnitiarta (Shiet Chen NIE) - first daughter of Ted Sioeng	Permanent Resident Card # SSN# CA Lic #	(Indonesia)
Sandra Elnitiarta (Shiet Tju NIE) - second daughter of Ted Sioeng	Permanent Resident Card? SSN# CA Lic	(Indonesia)
Yanti Ardi - sister of Ted Sioeng	Nonresident Indonesian Passport	(China)
Nanny Nitiarta	Nonresident Indonesian Passport	(Indonesia)
Ridwan Dinata - husband of Jessica Elnitiarta	Permanent Resident? SSN	(Indonesia)
Didi Kurniawan - husband of Sandra Elinitiarta	??	??
Subandi Tanuwidjaja - husband of Laureen Elinitiarta	Permanent Resident? SSN# CA Lic	(Indonesia)
Susanto Tanuwidjaja - father of Subandi Tanuwidjaja	Nonresident Indonesian Passport	(Indonesia)

Suryanti Tanuwidjaja - daughter of Susanto Tanuwidjaja	Permanent Resident? SSN#[redacted] CA Lic #[redacted]	[redacted](Indonesia?)
Kent La	Permanent Resident? SSN#[redacted] CA Lic #[redacted]	[redacted](China)
Vinh Bin La	??	??
Sioeng Fei Man (aka Fei Man Hung; Hsiung Fei Wen)	SSN#[redacted]	[redacted]China?)

U. S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

MAY 8 1998

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

Dear Mr. Chairman:

Thank you for your letters to the Attorney General, dated February 10, 1998 and March 10, 1998, regarding the appointment of an independent counsel to investigate Interior Secretary Bruce Babbitt's involvement in the Interior Department's denial of an application to take land into trust in Hudson, Wisconsin, for Indian gaming purposes. We apologize for the delay in this written response.

As you know, on February 11, 1998, the Attorney General filed an application for the appointment on an independent counsel to investigate potential perjury and false statement violations by Secretary Babbitt in connection with the Hudson casino matter. In her application, the Attorney General proposed that the independent counsel's jurisdiction include any potential criminal violations in connection with the underlying casino decision that may emerge during the course of the independent counsel's investigation of the perjury and false statement allegations, insofar as exploration of those matters is deemed necessary to resolve these allegations. In order to avoid any interference with the independent counsel, the Justice Department will undertake no further criminal investigation of the casino decision at this time, but will take appropriate action should the independent counsel subsequently refer any aspect of the casino matter back to the Justice Department.

We appreciate your taking the time to detail your concerns about the Hudson casino matter. We have forwarded a copy of your letter to Independent Counsel Carol Elder Bruce for her consideration. We have also forwarded to the Independent Counsel a copy of your letter of March 10 and its attachment.

Please do not hesitate to contact me if we can be of further assistance with regard to this or any other matter.

Sincerely,

Ann M. Harkins
Acting Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

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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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BERNARD SANDERS, VERMONT
INDEPENDENT

May 11, 1998

John Collingwood
Assistant Director
Office of Public and Congressional Affairs
Federal Bureau of Investigation Headquarters
Washington, D.C. 20535

RE: Information Request Relating to the FBI Files Matter

JOHN
Dear Mr. Collingwood:

Please provide the Committee on Government Reform and Oversight with a printout of all requests for copies of previous reports made by the White House to the FBI from January, 1993 until November, 1997. I have enclosed a letter dated February 27, 1998, from Lanny Breuer to Richard Bennett to assist you in this request.

If you have any questions, please feel free to contact Senior Investigative Counsel Uttam Dhillon at 202/225-5074. Thank you for your prompt attention to this matter.

Sincerely,

Richard D. Bennett
Chief Counsel

DAN BURTON, INDIANA
CHAIRMAN

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BERNARD SANDERS, VERMONT
INDEPENDENT

May 15, 1998

The Honorable Janet Reno
United States Department of Justice
Office of Legislative Affairs
10th Street and Constitution Avenue, NW
Washington, DC 20530

Dear Ms. Reno:

In light of the article in today's *New York Times* concerning Democratic party fundraiser Johnny Chung and his ties to the Chinese government, I think it is imperative that the investigative staff of this Committee provide information to the Task Force of the Justice Department investigating illegal campaign fundraising. I am pleased that a meeting at the Justice Department was immediately scheduled today with investigative staff of this Committee and Task Force investigators.

The protocols of this Committee permit the transfer of documents and the coordination with law enforcement agencies. That process to assist the efforts of the Task Force is reflected in today's meeting. Consistent with the Committee protocols, it is my intention at the next meeting of the Committee to seek Committee approval to provide you with all depositions taken by the investigators of this Committee with respect to Johnny Chung, China Aerospace Holdings, Co. and related persons and entities.

As you are well aware, Mr. Chung was interviewed by Members of this Committee late last year. Investigators have been actively investigating this matter for many months in connection with the continuing inquiry of illegal foreign money being infiltrated into recent political campaigns. In fact, I wrote to you last month concerning the matter in today's *New York Times*. A copy of my letter is attached. The serious implications of foreign government involvement in such illegal activity and the serious national security implications with respect to the transfer of missile technology should concern all Americans.

With respect to the matter of Mr. Chung in particular, I very much appreciate your cooperation in agreeing that two former employees of Mr. Chung should be immunized and compelled to testify before this Committee. Unfortunately, immunity for these two witnesses was blocked at a Committee meeting this week on a party line vote. I continue to hope that all of my colleagues will reconsider their votes and agree to immunize these witnesses. Hopefully, news developments of the past 24 hours will convince all of my colleagues on this Committee to recognize the need to move forward with this investigation.

The serious national security implications of foreign government involvement in illegal campaign contributions demands all government agencies and all branches of government coordinate their efforts to find the truth. The American people have the right to know the full facts of this matter.

Sincerely,

Dan Burton
Chairman

Enclosure

cc: All Members of the Government Reform and Oversight Committee

DAN BURTON, INDIANA
CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
J. DENNIS HASTERT, ILLINOIS
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ONE HUNDRED FIFTH CONGRESS

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BERNARD SANDERS, VERMONT
INDEPENDENT

May 19, 1998

Ms. Doris Meissner
Immigration and Naturalization Service
Chester A. Arthur Building
425 Eye Street, N.W.
Washington, D.C. 20536

Dear Commissioner Meissner:

As you are aware, the House Committee on Government Reform and Oversight is conducting an investigation of campaign finance abuses and possible violations of law. I am writing to request the assistance of the Immigration and Naturalization Service ("INS") with our effort.

We ask that you share with us all information the INS maintains or can obtain on the following individuals:

1. **Thomas Bernhard Kramer**
[redacted]
Date of Birth [redacted]
Florida Drivers license# [redacted]

2. **Catherine Burda Kramer(wife)**
No further information

According to information obtained by Committee investigators, **Kramer** and his wife, **Catherine Burda Kramer,** both German citizens, have been residing in the Miami area since 1992.

We are interested in the following information on each of the aforementioned individuals: immigration status; for non-immigrants, all information on the visas they have obtained or applied for; entry and exit records; and any additional information contained in the INS' central index system, non-immigrant information system, or master index. Please provide both the Majority and Minority staffs a copy of any relevant information you find. If you cannot find information on one or more individuals, please so indicate to us in writing.

Finally, it is likely we will need to request additional or clarifying information relating to the materials you provide to the Committee on other individuals. I ask that the INS permit such requests to be made orally by Committee staff to the INS through its Office of Congressional Relations or a Department of Justice representative. I believe such an arrangement will be the most expedient.

I appreciate your cooperation on this matter. Please have your staff contact James Wilson, Senior Investigative Counsel, or Kevin Davis, Senior Investigator at 202/226-2299 to coordinate the INS' response to this request.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman
Craig Iscoe, Counsel to the Deputy Attorney General
Allen Eranbaum, Director, Office of Congressional Relations

05/21/98 10:11 ☎202 [redacted] EONS

U. S. Department of Justice

Criminal Division

Office of the Assistant Attorney General *Washington, D.C. 20530*

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

Dear Mr. Chairman:

Thank you for making your staff available to meet with the Department of Justice to discuss information that the Government Reform and Oversight Committee has obtained regarding Johnny Chung, Loral Space and Communications, and Hughes Electronics. We found that meeting, which was held on May 15, to be useful and appreciate the Committee providing information to the Department. During the meeting, counsel for the majority and the minority informed us that the Committee has in its possession a number of documents related to these matters, including transcripts of depositions it conducted and documents that it obtained, and that during its May 21 meeting the Committee would vote on whether to release these documents to the Justice Department.

We have recently learned that the Committee may decide to release the documents simultaneously to the public and the Department, or first to the public and then to the Department. We recognize that the Committee controls the documents that it has created or obtained, but we request that you not release the documents to the public until the Justice Department has had an opportunity to review them in order to determine whether public release of those documents could reduce their usefulness to the Department in conducting its criminal investigation. As you know, we have conducted a substantial investigation of matters related to Mr. Chung, so we may already have obtained much of the information that you will release. We look forward to reviewing the material, however, so that we can determine if it will assist our inquiries.

Releasing the documents to the public at this time could reveal to potential witnesses the statements that others have made about certain events and actions. It has been our experience that the more a witness knows about what others have said, or declined to say, about a particular matter, the more

difficult it is to obtain candid, undistorted statements from that witness. In addition, if a witness knows exactly what information an investigator has obtained, the witness can tailor his or her testimony to be consistent with that information.

For these reasons, we request that the Committee permit the Justice Department to review the documents before the Committee votes on whether to release them to the public. We will review the documents as expeditiously as possible and determine if their public release at this time could prejudice our ongoing criminal inquiry. If the Committee were to provide the documents to us by the close of business today, we could complete our review by the close of business on Wednesday, May 27, and thereafter convey to you our views on the potential impact of release of these materials. We believe that this process will ensure that the Justice Department can conduct as effective a criminal investigation as possible while permitting the public to obtain information that will not impair the information.

Sincerely,

Mark M Richard

Mark M Richard
Acting Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

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BERNARD SANDERS, VERMONT
INDEPENDENT

May 21, 1998

Charles G. LaBella, Esquire
U.S. Department of Justice
Campaign Finance Task Force
1001 G Street, N.W.
Room 310
Washington, D.C. 20530

Dear Chuck:

As discussed in our recent meeting, the Committee on Government Reform and Oversight has voted to release various documents and depositions concerning Johnny Chung's contacts with various Chinese government officials, including Liu Chao Ying of China Aerospace International Holdings, Ltd.

The Committee voted to release those materials to the public pending review by the Department of Justice. Please contact me at 202/225-5074 by Wednesday, May 27, 1998 to voice any opposition the Department has to the release of these documents to the public.

Sincerely,

Richard D. Bennett
Chief Counsel

cc: Craig S. Iscoe, Esq.
Kenneth S. Ballen, Esq.

U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

MAY 22 1998

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

Dear Mr. Chairman:

This is in further response to your letters requesting alien registration files and other records of the Immigration and Naturalization Service. In our letters of November 19, 1997 and March 3, 1998, we transmitted more than 1,800 pages of alien registration files and related documents for many of the individuals listed in your letters. In addition, on May 4, we met with Committee staff to discuss INS document issues. We will continue to work with your staff to respond to your requests.

Enclosed please find responsive records for the following persons: Subandi Tanuwidjaja (Doc. Nos. 1878 - 1936); Jain-nan Huang, aka John Huang (1937 - 1992); Yah Lin "Charlie" Trie (1993 - 2039F); Jose Fanful (2040 - 2182); Sandra Elnitiarta (2183 - 2246); Arief Wiriadinata (2247 - 2270B); Wang Mei Trie (2271 - 2299); and Jessica Elnitiarta (2305 - 2370). We have not provided copies of medical records, but those records are available for Committee staff review at the Department. We also have not provided copies of taxpayer information, because the disclosure of such information is prohibited by 26 U.S.C. § 6103. The public disclosure of the documents we have provided you ordinarily would be prohibited by the Privacy Act, but we are providing them to the Committee in response to its oversight requests. See 5 U.S.C. § 552a(b)(9). Out of a concern for the privacy of the individuals mentioned in these documents and the sensitive nature of the information involved, we request that the Committee confer with us prior to disseminating any of this material outside of the Committee.

Please do not hesitate to contact me if I may provide you with additional information.

Sincerely,

Ann M. Harkins

Ann M. Harkins
Acting Assistant Attorney General

cc: The Honorable Henry A. Waxman
Ranking Minority Member, Committee on
Government Reform and Oversight

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

MAY 22 1998

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

Dear Mr. Chairman:

Thank you for your letter of March 12, 1998, providing documents that may be useful to the members of the Task Force working on the John Huang and Maria Hsia investigations. We greatly appreciate your sharing these documents with us.

Sincerely,

Ann M. Harkins
Acting Assistant Attorney General

cc: The Honorable Henry A. Waxman
Ranking Minority Member
Committee on Government Reform and Oversight

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BERNARD SANDERS, VERMONT
INDEPENDENT

June 2, 1998

The Honorable Janet Reno
Attorney General
United States Department of Justice
10th and Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Madame Attorney General:

On October 22, 1997, this Committee sent a request for documents relating to the Mercury Action investigation, 194A-HN-9541 and the Lum investigation, 194A-HN-10420. On December 17, 1997 my staff met with officials from the Justice Department and the FBI to discuss document production. Following that meeting, on December 19, a letter was sent to your staff summarizing the documents the Justice Department agreed to produce to this Committee during the course of that meeting.

At this time the Committee would like a definite statement from the Justice Department as to the completeness of the searches, to date, and assurances the Committee has received all requested documents.

I am attaching a copy of the December 19, 1997 letter to Craig Iscoe outlining the documents the Department agreed to produce to the Committee. In particular, please inform the Committee whether there are any memos regarding Mercury Action that were circulated within the Department of Justice including those, but not limited to, addressed to Webster Hubbell, Phillip Heymann and Janet Reno.

In addition, in a document production to this Committee on March 3, 1998, only one side of a two-sided document was produced. Despite numerous telephone calls, over the course of several months, to Craig Iscoe the complete document has never been produced. The bates number for this document begins with number 01864.

Further, your staff has agreed to provide my staff access to the declination memos relating

to the Mercury Action investigation. I would appreciate your staff scheduling these meetings as soon as possible with Barbara Comstock at 202/225-5074.

Thank you for prompt attention to these matters.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman

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BERNARD SANDERS, VERMONT
INDEPENDENT

December 19, 1997

VIA FACSIMILE (202) 616-1080
Craig Iscoe
Counselor to the Deputy Attorney General
Department of Justice
950 Pennsylvania Ave, NW
Washington, D.C. 20530

Dear Mr. Iscoe:

I write to summarize the our meeting on Wedneday, December 17.

At the outset, I want to express the Committee's surprise to learn that the Department of Justice has failed to process any of the the information requested in our October 22, 1997 letter, despite repeated assurances that the processing was actively underway. Committee staff have documented several assurances made to them by Justice officials in the Office of Congressional Affairs that the document processing was under way and the production of records would be made available to the Committee at the earliest time practicable. Obviously, these assurances were not accurate.

As a result of our meeting yesterday, the Department of Justice has committed to provide the Committee with all Mercury Action records pertaining or relating to Nora and Eugene Lum; including but not limited to video and audio recordings. These files are to be turned over to the Committee on a rolling submission to begin immediately.

In addition, you stated that a prompt search of all FBI field offices in Hawaii, California and Oklahoma will be conducted for all information regarding the Lums, the Asian Pacific Advisory Council (APAC); including all information regarding the Lums and any activities related to the Lums provided by Charles Chidiac, FBI agents and/or any other person. You further agreed to provide all records regarding any search warrants issued or denied pertaining to the Lums.

At this time the Committee also requests all Mercury Action files and any information at FBI field offices or at the Department of Justice relating to individuals and entities named in its

October 22 letter request. The Committee suggests that an efficient search may begin at the offices of the Task Force, since we presume someone there may know something about the Lums and their activities.

Further, you also promised to respond fully to paragraphs 1 and 2 of the Committee's October 22 request.

In addition, the Committee requests copies of: 1) the declination letter and all supporting documentation, relating thereto, by the United States Attorney in Hawaii whereby it was decided not to prosecute Nora and Eugene Lum; 2) the January 13, 1994 declination letter and all supporting documentation, relating thereto, by the Office of Public Integrity regarding the Lums; and 3) all memos regarding Mercury Action circulated within the Department of Justice, including but not limited to those addressed to Webster Hubbell, Phillip Heymann and Janet Reno.

With regard to paragraph 4 of the Committee's request, you agreed to provide the Committee with a written response as to whether the Ron Miller tapes will be provided to the Committee. As we have stated in the meeting, and several prior occasions, Ron Miller had agreed, before his death, to give us copies of those tapes. Also, as we stated, the Committee has written documentation regarding the substance of the telephone calls contained on the tapes. If it is determined that the Department of Justice will not provide the tapes, please include an explanation of the legal basis for that decision.

The information we have requested is of critical importance to the Committee's ongoing investigation of the Lums and their activities with regard to possible illegal campaign activities and other matters. Please cooperate and provide the requested documents to the Committee in a timely manner.

Sincerely,

Barbara J. Comstock
Chief Investigative Counsel

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BERNARD SANDERS, VERMONT
INDEPENDENT

June 2, 1998

Honorable Janet Reno
Attorney General
Washington, D.C. 20530

Dear General Reno:

Over two months ago, I sent you the attached letter requesting information on the Department of Justice's expenditures investigating campaign fundraising allegations and the Billy Dale matter. To date, I have received no response to my inquiry.

I would appreciate your immediate reply by June 3, 1998.

Sincerely,

Dan Burton
Chairman

cc: Honorable Henry A. Waxman
enclosure

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BERNARD SANDERS, VERMONT
INDEPENDENT

March 31, 1998

Honorable Janet Reno
Attorney General
Washington, D.C. 20530

Dear General Reno:

During the Government Reform and Oversight Committee's hearing on the implementation of the Independent Counsel Statute on December 9-10, 1997, FBI Director Freeh was asked what percentage of the FBI budget was being allocated for the campaign finance investigation. In a written response dated December 17, 1997, the FBI answered that "costs readily identifiable to the CAMPCON investigation ... total $3,910,311.[1]"

To expand on Director Freeh's response, I have the following questions:

1. What is the total cost to date of the Justice Department's campaign fundraising investigation, including the cost to the FBI and

2. What was the total cost of the Justice Department's 1993-1996 investigation into the Billy Dale matter?

I would appreciate your response to this question by April 7, 1998.

Sincerely,

Dan Burton
Chairman

cc: Honorable Henry A. Waxman

[1]Letter to Chairman Burton from John E. Collingwood, 12/17/97.

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BERNARD SANDERS, VERMONT
INDEPENDENT

June 3, 1998

Craig S. Iscoe, Esquire
Assistant to the Deputy Attorney General
U.S. Department of Justice
Office of Legislative Affairs
10th Street and Constitution Avenue, N.W.
Washington, D.C. 20530

Dear Craig:

As part of our continuing investigation into illegal campaign finance abuses, staff investigators for the Government Reform and Oversight Committee request a briefing so as to obtain any pertinent information you may possess with respect to the recent money laundering investigation known as "Operation Casablanca." The Committee is especially interested in information relating to Venezuelan banks and bank officers indicted in the investigation. A current list of the individuals and entities under indictment is also requested.

Please contact Senior Investigative Counsel James Wilson or Chief Investigator Dudley (Butch) Hodgson at (202) 226-2299 if you have any questions regarding this request.

Your cooperation with the Committee is greatly appreciated.

Sincerely,

Richard D. Bennett
Chief Counsel

cc: Kenneth M. Ballen, Esq.

U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535

June 4, 1998

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

Dear Mr. Chairman:

The FBI poses no objection to your Committee releasing to the Senate Select Committee on Intelligence, Director Freeh's testimony from the closed hearing on March 4, 1998.

Sincerely yours,

John E. Collingwood
Assistant Director
Office of Public and
Congressional Affairs

By: A. Robert Walsh
Acting Unit Chief

TOTAL P.02

DAN BURTON, INDIANA
CHAIRMAN
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ONE HUNDRED FIFTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

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MINORITY (202) 225–5051
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BERNARD SANDERS, VERMONT
INDEPENDENT

June 5, 1998

Mr. John Collingwood
Assistant Director
Office of Public and Congressional Affairs
Federal Bureau of Investigation
Washington, D.C. 20535

Dear Mr. Collingwood:

I write in response to your letter of May 18, 1998. We have more specifically identified documents requested by the Committee as well as additional information to assist the FBI in locating these documents.

1. Any FD-302s for the Lums dated both before and after July 31, 1997.

2. Any communications between FBI Headquarters and the Oklahoma City or Tulsa field offices between 1994 and 1995 regarding the Lums, Dynamic Energy, Michael Brown and illegal campaign contributions. [The Committee has been informed by Martin Weber, an agent in the Tulsa office who is now retired, that in 1994 or 1995 he received a communication regarding an ongoing investigation regarding Gene and Nora Lum, Michael Brown, Dynamic Energy resources and illegal campaign contributions. He was instructed to brief the United States Attorney in Tulsa, Steve Lewis. He said he was instructed to inform the US Attorney that no investigative action was required, the briefing was a courtesy call advising Mr. Lewis that there was an ongoing investigation in his district.]

3. Any interviews of William Stuart Price, which the Committee has previously requested. These interviews most likely took place in Oklahoma in either the Tulsa or Oklahoma City field offices. Please review your files in order to locate these interviews. The Committee also requests all FD-302s of Melinda Yee, which are available.

4. The letter which was reportedly sent to retired agent, Calvin Uhlig regarding disciplinary actions taken against him while an agent at the FBI. This letter reportedly clears him

of any wrongdoing while employed at the FBI. Please send a copy of this letter and any related or supporting documents regarding this disciplinary action.

5. All documents pertaining to the closed cases regarding Nora Lum, Gene Lum and Michael Brown.

Please provide the Committee these documents by June 16, 1998. If you have any questions contact Alicemary Leach at 202/225-5074.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman

U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

June 12, 1998

Richard D. Bennett
Chief Counsel
Committee on Government Reform and Oversight
House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515

Dear Mr. Bennett:

In response to your letter of May 11, 1998, the FBI is not in possession of a computer printout of all requests for copies of previous reports made by the White House to the FBI from January 1993 to November 1997. We believe that the reference to such a printout in the letter from White House Special Counsel, Lanny Breuer, attached to your request, is to a printout generated in November 1997. The 11/97 printout, a copy of which is enclosed, contains an alphabetical listing of approximately 1,000 requests for copies of previous reports.

As discussed with the Committee's Senior Investigative Counsel, Uttam Dhillon, however, the FBI has recently determined that this printout is not complete, due to an error associated with the computer database from which the list was generated. This error was discovered by manually comparing the 11/97 printout of "previous report requests" with the printout of the entire database from 1993 and 1994 (known as the "master purge log") which reflects all types of requests received from the White House during those years. As a result of that side-by-side comparison of the two lists, the FBI has identified approximately 100 previous report requests that should have been included on the 11/97 printout.

When advised of the above, Mr. Dhillon stated that the Committee would prefer to have the FBI identify the additional requests rather than provide a copy of the massive printout of

Mr. Richard D. Bennett

the entire database. Therefore, enclosed are the relevant pages from the master purge log with highlighted entries showing the additional requests we have identified. Please note, however, that should the Committee wish to conduct its own manual comparison of the printouts, the FBI previously produced a copy of the master purge log to the Committee on August 19, 1996.

Since the master purge logs were generated in 1993 and 1994, the FBI did not have a printout of all White House requests received after December 1994 from which to verify the post-1994 entries on the 11/97 printout. Therefore, we reviewed the paper request forms submitted by the White House since 1994 and identified six requests for previous reports which also should have been included on the 11/97 printout. Copies of those six request forms are enclosed.

I recognize that the FBI records system does not render itself to a simple response to your inquiry. We have tried, however, to be as thorough and accurate as possible in providing this information to the Committee and will, of course, notify the Committee if additional White House requests for previous reports are identified in the future. If you should have any questions, please do not hesitate to contact me.

Sincerely yours,

John E. Collingwood
Assistant Director
Office of Public and
Congressional Affairs

Enclosures

Dick
If you or staff would like a briefing on this, please let me know. This is complicated and we do not want to risk any misunderstanding.
thanks
JC

DAN BURTON, INDIANA
CHAIRMAN
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BERNARD SANDERS, VERMONT
INDEPENDENT

June 22, 1998

The Honorable Janet Reno
Attorney General
United States Department of Justice
10th and Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Re: Nancy Lee, Irene Wu, Larry Wong, and Kent La

Dear General Reno:

The House Committee on Government Reform and Oversight will consider resolutions this week directing the House General Counsel to apply for orders pursuant to 18 U.S.C. §§ 6002 and 6005, immunizing from use in prosecution testimony and other information provided by Nancy Lee, Irene Wu, Larry Wong, and Kent La at proceedings before or ancillary to the Committee.

This letter is formal notice under 18 U.S.C. § 6005(b)(3) that the Committee may proceed to request such an order. In addition, this letter serves as a request that the Department of Justice waive its rights under 18 U.S.C. § 6005(c) to request a deferral of the district court's order granting immunity.

The Department of Justice informed the Committee on April 16, 1998 and April 22, 1998 that it had no opposition to the Committee's grant of immunity to Ms. Lee, Ms. Wu, Mr. Wong or Mr. La. In addition, in its letter dated April 22, 1998, the Department requested the Committee to follow certain procedures in the deposition of Kent La, which the Committee has agreed to follow.

As you may recall, the Committee passed resolutions immunizing Manlin Foung, Joseph Landon, and David Wang on September 24, 1997. In that case, the Department informed the Committee by letter dated September 18, 1997, that it did not oppose the grants of immunity, and also waived its rights under 18 U.S.C. §§ 6005(b)(3) and 6005(c). The Committee would appreciate similar cooperation in this case,

especially since the Department has already decided that it does not oppose the Committee's grant of immunity to Ms. Lee, Ms. Wu, Mr. Wong or Mr. La.

Please contact the Committee's Chief Counsel, Barbara J. Comstock, or the Deputy Counsel and Parliamentarian, David A. Kass, at (202) 225-5074 with any questions about this letter.

Sincerely,



Dan Burton
Chairman

DAN BURTON, INDIANA
CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
J. DENNIS HASTERT, ILLINOIS
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THOMAS H. ALLEN, MAINE

BERNARD SANDERS, VERMONT
INDEPENDENT

June 25, 1998

Ms. Judy Feigin
Campaign Finance Task Force
1001 G Street, NW
Suite 310
Washington, D.C. 20001

Dear Ms. Feigin:

Pursuant to your request, please find enclosed copies of 38 pictures that the Committee on Government Reform and Oversight obtained voluntarily from Patrick Chan of Best Image, [redacted], Monterey Park, California [redacted].

Attached is a copy of the letter sent by Mr. Chan to our office.

Sincerely,

Jason L. Hopfer, Esq.
Investigative Attorney

Dear Mr. Jason

This is all the extra pictures that I have for the even on July 22. 1996.

I have give back all the negative to the DNC after finished all the reprint. If you have any question, please let me know & if if you don't need those 38 pictures, (8X10) please send it back to me. Thanks.

6/8/96.

U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535

June 26, 1998

The Honorable Dan Burton
Chairman
Committee on Government Reform and Oversight
2157 Rayburn House Office Building
Washington, D.C. 20515-5143

Dear Mr. Chairman:

Enclosed please find the remaining documents from the Mercury Action files responsive to the Committee's request for information concerning certain other individuals and entities. Much of this material is raw investigative information. Out of a 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. As per our standard practice, redactions have been made to this material to protect FBI sources and methods and to protect ongoing investigations where appropriate.

We will continue to review our files for information responsive to the Committee's June 5, 1998 request and will notify you when that review is complete. If we can be of further assistance to the Committee in this matter, please do not hesitate to contact my office at (202) 324-2727.

Sincerely,

John Collingwood
Assistant Director
Office of Public and Congressional Affairs

Enclosures

1 - The Honorable Henry A. Waxman
Ranking Minority Member
Committee on Government Reform and Oversight
United States House of Representatives
Washington, D.C. 20515

U.S. Department of Justice

Criminal Division

Office of the Deputy Assistant Attorney General

Washington, D.C. 20530

June 26, 1998

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

Dear Mr. Chairman:

This is in response to your letter of June 22, 1998, informing the Department of Justice that the Committee would soon be considering resolutions directing the House General Counsel to apply for court orders pursuant to 18 U.S.C. §§ 6002 and 6005 that would compel Nancy Lee, Irene Wu, Larry Wong, and Kent La to testify in proceedings before and ancillary to the Committee. In your letter you requested that the Department waive its rights under 18 U.S.C. §§ 6005(b)(3) and 6005(c). If the Department were to exercise fully its rights under those provisions, the four named individuals could not be compelled to testify before July 20, 1998.

The Department of Justice hereby informs the Committee that it is waiving its rights under 18 U.S.C. §§ 6005(b)(3)and 6005(c) and that it has no objection to the court granting orders compelling the testimony of Nancy Lee, Irene Wu, or Larry Wong before the Committee. We want to reiterate, however, that we remain strongly opposed to the Committee obtaining by a grant of immunity the testimony of Mr. La unless it is done in accord with the seven points and procedures we articulated in our letter to you of April 22, a copy of which is attached. We understand from your letter of June 22 that you have agreed to adhere to these procedures.

In order to protect the integrity of the ongoing criminal investigation, it may be useful to summarize the seven points and to direct the Committee's attention especially to two of them. In its April 22 letter, the Department explained that it has concluded that the criminal investigation could be compromised if Mr. La were to testify publicly or if his non-public testimony were to be disclosed. Accordingly, in return for the Department's agreement to withdraw its objection to the Committee granting immunity to Mr. La, the Committee agreed that it would comply with the procedures set forth in the Department's April 22

letter. In accord with these provisions, we understand that the Committee will follow a procedure under which Mr. La, at least initially, will testify in a closed session attended by only five people: Mr. La, his attorney, a staff member from the Majority, a staff member from the minority, and a court reporter. In addition, under Point No. 6:

> The Committee will not present Mr. La's public testimony until and unless the Department of Justice attorney [who will review the sealed transcript of the testimony] has made the determination discussed in No. 5, above, that public disclosure of the transcript or its contents would not compromise the investigation. (Point No. 6)(emphasis added).

With this process agreed to and in accord with our April 22 letter, we do not object to the Committee obtaining the testimony of Mr. La through a grant of immunity, and waive our rights under 18 U.S.C. §§ 6005(b)(3) and 6005(c).

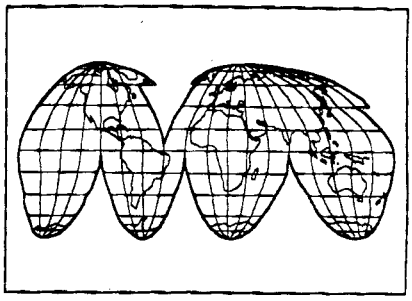
Sincerely,

Mark M Richard
Deputy Assistant Attorney General

Enclosure

cc: The Honorable Henry Waxman
Ranking Minority Member

U.S. DEPARTMENT OF JUSTICE
WASHINGTON, D.C.



DATE:

TO: Barbara Comstock/David Kass
225-5127

Ken Ballen
226-3348

FROM: Craig Iscoe
Counsel to the Deputy
Attorney General

MESSAGE: Attached is a new letter to replace the one we sent you earlier regarding DOJ's decision to waive its rights under 18 USC Sec. 6005. We are replacing the original letter on the request of Majority counsel, who informed us that House Legal Counsel was concerned that the Department did not appear to be explicitly waiving its Sec. 6005 rights for Kent La. We had intended to waive those rights and have made the waiver clear in the attached letter.

The replacement letter is identical to the original one, except for additional language that has been inserted after the word "immunity" in the final sentence on page 2. The new language is: ", and waive our rights under 18 U.S.C. Section [using section marks] 6005(b)(3) and 6005(c)." Please destroy the letter that we sent earlier today.

Call me if you have any questions.

Craig Iscoe

(TOTAL NUMBER OF PAGES INCLUDING THIS 3)

VOICE: (202) [redacted]

TELEFAX: (202) [redacted] **or (202)** [redacted]
For Secure Fax, call (202) [redacted] **and ask the person who answers to enable the Secure Fax machine.**

U.S. Department of Justice

Criminal Division

Office of the Deputy Assistant Attorney General

Washington, D.C. 20530

June 26, 1998

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

Dear Mr. Chairman:

This is in response to your letter of June 22, 1998, informing the Department of Justice that the Committee would soon be considering resolutions directing the House General Counsel to apply for court orders pursuant to 18 U.S.C. §§ 6002 and 6005 that would compel Nancy Lee, Irene Wu, Larry Wong, and Kent La to testify in proceedings before and ancillary to the Committee. In your letter you requested that the Department waive its rights under 18 U.S.C. §§ 6005(b)(3) and 6005(c). If the Department were to exercise fully its rights under those provisions, the four named individuals could not be compelled to testify before July 20, 1998.

The Department of Justice hereby informs the Committee that it is waiving its rights under 18 U.S.C. §§ 6005(b)(3)and 6005(c) and that it has no objection to the court granting orders compelling the testimony of Nancy Lee, Irene Wu, or Larry Wong before the Committee. We want to reiterate, however, that we remain strongly opposed to the Committee obtaining by a grant of immunity the testimony of Mr. La unless it is done in accord with the seven points and procedures we articulated in our letter to you of April 22, a copy of which is attached. We understand from your letter of June 22 that you have agreed to adhere to these procedures.

In order to protect the integrity of the ongoing criminal investigation, it may be useful to summarize the seven points and to direct the Committee's attention especially to two of them. In its April 22 letter, the Department explained that it has concluded that the criminal investigation could be compromised if Mr. La were to testify publicly or if his non-public testimony were to be disclosed. Accordingly, in return for the Department's agreement to withdraw its objection to the Committee granting immunity to Mr. La, the Committee agreed that it would comply with the procedures set forth in the Department's April 22

letter. In accord with these provisions, we understand that the Committee will follow a procedure under which Mr. La, at least initially, will testify in a closed session attended by only five people: Mr. La, his attorney, a staff member from the Majority, a staff member from the minority, and a court reporter. In addition, under Point No. 6:

> The Committee will not present Mr. La's public testimony until and unless the Department of Justice attorney [who will review the sealed transcript of the testimony] has made the determination discussed in No. 5, above, that public disclosure of the transcript or its contents would not compromise the investigation. (Point No. 6)(emphasis added).

With this process agreed to and in accord with our April 22 letter, we do not object to the Committee obtaining the testimony of Mr. La through a grant of immunity, and waive our rights under 18 U.S.C. §§ 6005(b)(3) and 6005(c).

Sincerely,

Mark M Richard
Deputy Assistant Attorney General

Enclosure

cc: The Honorable Henry Waxman
Ranking Minority Member

U. S. Department of Justice

Criminal Division

Office of the Assistant Attorney General *Washington, D.C. 20530*

April 22, 1998

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

Dear Mr. Chairman:

I am writing in response to your letter of April 7, 1998 requesting the Department of Justice's position on the Committee on Government Reform and Oversight granting immunity to Kent La. As you know, we have met with Dick Bennett, Kenneth Ballen and other members of the Majority and Minority staff in an attempt to accommodate the Committee's desire to obtain Mr. La's testimony and our desire that any action by the Committee not compromise the Department's ongoing criminal investigation. In our view, if Mr. La were to testify publicly at this time, the Department's criminal investigation could in fact be compromised. Even if Mr. La were to testify in a closed session, any disclosure or leak of that testimony, whether intentional or inadvertent, could seriously compromise the investigation and any subsequent prosecutions, under the rulings of Kastigar, North, Poindexter and related cases.

During our discussions with the Committee staff, most recently on April 20, 1998, we tried to convey to you that our preference would be to avoid any Committee action to immunize him. Because of your strong interest in securing his information at this time, we nevertheless indicated our willingness not to oppose a grant of immunity to Mr. La under certain conditions. The Department of Justice, therefore, is willing to withdraw its objection to the Committee granting immunity to Mr. La if, and only if, it agrees to adhere strictly to the following conditions in examining Mr. La. Based on our discussions with Committee staff, we understand that these conditions are acceptable to the Committee. The conditions that the Committee agrees to follow in return for the Department of Justice withdrawing its objection to the Committee granting immunity to Mr. La are:

1. The Committee will take Mr. La's deposition in a closed executive session attended only by Mr. La, his counsel, one staff member from the Majority, one staff member from the Minority, and a court reporter.

2. The reporter will make only two copies of the deposition transcript.

3. The Committee staff who took the deposition will be provided one copy of the deposition transcript and will maintain that copy at a mutually acceptable secure location under conditions that assure that only authorized persons may have access to the transcript and that no copies of the transcript may be made. The only persons authorized to have access to the transcript are Members of the Committee, the two staff members who took the deposition, and the majority and minority chief counsel, if they are not the same persons who took the deposition. [The persons described in the preceding sentence are hereinafter referred to as "the authorized persons.]"

4. The authorized persons may not copy the transcript, but may take notes, as long as they maintain the notes at the same location and under the same conditions as the transcript is maintained. The authorized persons may discuss the transcript with any other authorized persons, but may not discuss any aspect of the substance of the transcript with any other person, including Committee staff, other Members of Congress, or the public until such time as the Justice Department states that it has no objection to public disclosure of the testimony because release of the transcript or its contents would not compromise the criminal investigation.

5. The second copy of the transcript will be provided to a designated attorney within the Department of Justice, but who is not assigned to the Campaign Financing Task Force, who will review the transcript to determine if public release of the testimony could compromise the Department's ongoing criminal investigations. The designated attorney will maintain the transcript in a secure location. No Department of Justice employee other than the designated attorney will be permitted to review the transcript.

6. The Committee will not present Mr. La's public testimony until and unless the Department of Justice attorney has made the determination, discussed in No. 5, above, that public disclosure of the transcript or its contents would not compromise the investigation.

7. The designated attorney will meet with attorneys and investigators conducting the criminal investigation as necessary in order to obtain the facts needed to evaluate the transcript. The designated attorney will not discuss the transcript or its contents with any other employee of the Justice Department, or any person other than the two staff members who took Mr. La's deposition or the majority and minority chief counsel, until and unless the designated attorney has made the determination discussed in No. 5, above.

We recognize that under 18 U.S.C. § 6005, the Committee has the statutory authority to vote to grant immunity to a witness regardless of the position of the Justice Department. We believe, however, that the terms and conditions set forth above will satisfy the Committee's needs while hopefully protecting the Justice Department's interest in conducting thorough investigations and prosecutions that are not subject to Kastigar hearings or related challenges. The Department has determined that if the Committee were to grant Mr. La immunity under 18 U.S.C. § 6005 at this time and absent the restrictions outlined above, it would clearly compromise the Department's ongoing criminal investigation and make it more difficult to obtain convictions of any person(s) who might eventually be charged with a crime.

Sincerely yours,

Mark M Richard
Acting Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

DAN BURTON, INDIANA
CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
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HAROLD E. FORD JR., TENNESSEE

BERNARD SANDERS, VERMONT
INDEPENDENT

July 1, 1998

Craig Iscoe, Esquire
Counsel to the Deputy Attorney General
United States Department of Justice
10th and Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Re: Declination Memorandum Relating to Nora and Gene Lum

Dear Mr. Iscoe:

Pursuant to the Committee on Government Reform and Oversight's oversight responsibilities under House Rule X and XI, we have requested for months now that you furnish the Committee with access to the Department of Justice's declination memorandum relating to Nora and Gene Lum and related investigations.

As you know, we have made this request several times over the course of our investigation and have yet to receive a response from your office. Most recently, this week you assured me that you would provide us with an opportunity to review the memos as soon as possible. Accordingly, I ask that you provide the Committee access to the aforementioned memorandum by the close of business on Monday, July 6, 1998.

If you or your staff have any questions or concerns in this matter, please contact me at (202) 225-5074. I appreciate your attention to this important request.

Sincerely,

Barbara J. Comstock
Chief Counsel

cc: The Honorable Janet Reno
Attorney General
The Honorable Henry A. Waxman
Ranking Minority Member

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INDEPENDENT

July 2, 1998

Campcon Task Force
Attn: Gregory Deegan
1001 G Street, N.W.
Suite 800
Washington, D.C. 20001

Dear Mr. Deegan:

Enclosed are documents related to the campaign finance investigation released by the Committee on December 10, 1997. These documents were forwarded to the Department of Justice, along with other documents from the investigation, on the day of release. Although Mr. Craig Iscoe at the Justice Department assured us that the documents were distributed to the proper investigators at the Campcon Task Force, it has come to the Committee's attention that the Task Force never received the enclosed documents.

The Committee hopes that the enclosed records are of assistance to you. Should you have any questions, or require any further information, please feel free to contact Investigative Counsel Kristi Remington at (202) 225-5074.

Sincerely,

Barbara J. Comstock
Chief Counsel

Enclosures

cc: Kenneth M. Ballen
Charles LaBella

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INDEPENDENT

July 6, 1998

Louis J. Freeh, Director
Federal Bureau of Investigation
J. Edgar Hoover Building
9th Street and Pennsylvania Avenue, N.W.
Washington, D.C. 20535

Re: Documents Relating to Pauline Kanchanalak

Dear Director Freeh:

I am writing to request you to produce to the Committee all documents in the possession of the FBI that were obtained in the search of the offices of Ban Chang International. As you are aware, these documents relate to Pauline Kanchanalak and Duangnet Kronenberg, subjects of the Committee's investigation. Please produce copies of these materials, to the extent they do not contain grand jury materials. In the alternative, if there is a large quantity of material, please make these records available to Committee staff for their review and copying.

Please produce these records to the Committee as soon as possible. If you have any questions about this request, please contact Chief Investigative Counsel Barbara J. Comstock at (202) 225-5074.

Very truly yours,

Dan Burton
Chairman

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INDEPENDENT

July 7, 1998

Craig Iscoe
Special Assistant to the
Deputy Attorney General
United States Department of Justice
10th and Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Craig:

This letter follows our telephone conversation of June 25, 1998. At that time, I asked you whether the Department of Justice would object to the Committee on Government Reform and Oversight releasing two documents pertaining to Johnny Chung (JCH 15017 and JCH 15023). I also asked for the Department's position on this Committee granting immunity to Terri Bradley. Please provide an answer to these questions in order that the Committee might take the Department's views into consideration.

Sincerely,

James C. Wilson
Chief Investigative Counsel

cc: The Honorable Henry Waxman

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BERNARD SANDERS, VERMONT
INDEPENDENT

July 10, 1998

Craig Iscoe, Esquire
Counsel to the Deputy Attorney General
United States Department of Justice
10th and Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Re: Declination Memorandum Relating to Nora and Gene Lum

Dear Mr. Iscoe:

This is to follow-up on my letter of July 1, 1998 regarding Committee access to the Department of Justice's declination memorandum relating to Nora and Gene Lum and related investigations.

In that letter I asked that you or your staff provide the Committee access to the above mentioned documents by the close of business on Monday, July 6, 1998. As you know, we have been trying to set up this meeting for months. However, due to your cancellation of our meeting this week, we have yet to gain access to these documents. Because of this, and the amount of time lapsed since the Committee's initial request for access to these documents, it has become vital that you provide us a date with which to review these documents immediately. You assured me we would be able to review these documents this week and despite my repeated calls and requests to resolve this matter this week, as of 3:30 p.m. today you have failed to honor your commitment to provide these documents. This continual delay does not serve our committee or the Justice Department well. I would appreciate your assurances that you will provide us with access to these documents on Monday, July 13, 1998.

Please call me with any concerns you may have at 225-5074, and thank you for your continued attention to this matter.

Sincerely,

Barbara J. Comstock
Chief Counsel

U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

July 13, 1998

The Honorable Dan Burton
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Burton:

This is in response to your letter of March 17, 1998. I apologize for the delay in our response.

As you are aware, the Independent Counsel was originally appointed, and his jurisdiction has been expanded, based upon applications by the Attorney General to the Special Division of the U.S. Court of Appeals for the District of Columbia Circuit. In order to avoid compromising the independence of the Independent Counsel, the Attorney General generally has refrained from making any comments about the course of the investigation or the handling of allegations of misconduct by the Independent Counsel. The Department has confirmed, however, that allegations of misconduct by the Independent Counsel received by the Department have been forwarded to the Office of Professional Responsibility. At this time, no final determination has been made about whether an OPR investigation will be initiated.

Please do not hesitate to contact me if we can be of assistance in the future. We are sending similar responses to the other Members who joined in your letter.

Sincerely,

L. Anthony Sutin
Acting Assistant Attorney General

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BERNARD SANDERS, VERMONT
INDEPENDENT

July 14, 1998

The Honorable Janet Reno
Attorney General
Washington, D.C. 20530

via fax
(202)514-4371
two (2) pages

Dear Madam Attorney General:

Recent news reports have suggested that the Justice Department's campaign finance task force has entered a critical phase in which decisions are being made about whether there is sufficient evidence to charge White House or DNC officials. As you know, to date the Justice Department has either indicted or reached plea agreements with eight DNC fund-raisers, but has not taken action against any DNC or Clinton Administration officials.

Given that the investigation has reached this important juncture, I believe that the time is right to renew my request to you to seek appointment of an Independent Counsel. It has been widely reported that the head of the task force is preparing to make recommendations to you about charging White House or DNC officials. The decision of whether to prosecute, of course, would see you, as an appointee of the President, face a clear conflict of interest.

Over the course of the last year, a great deal of specific information has emerged raising questions about the conduct of White House and DNC officials in fund-raising practices.

- This Committee took sworn testimony from DNC Finance Director Richard Sullivan about his concern that Johnny Chung's money was coming from overseas and that Sullivan, as early as the Spring of 1995, raised these concerns with DNC Chairman Donald Fowler. However, documents made public by the Committee show that both Fowler and Sullivan continued to accept Chung's contributions and set up meetings with White House and Administration officials.

- Pauline Kanchanalak and her sister-in-law were indicted yesterday for illegal foreign contributions to the DNC, but the solicitor of those DNC donations was John Huang, whom the President personally recommended for DNC employment.

- In fact, John Huang is the identified solicitor or official DNC contact for almost every illegal contribution described in recent Justice Department indictments. Additionally, these cover the Buddhist Temple fund-raiser for Vice President Gore and the Charlie Trie-Antonio Pan contributions, which the Committee documented last year.

- Mark Middleton, who was a senior official in the White House chief of staff's office, has taken the Fifth. He met regularly at the White House with Charlie Trie and his Macau financial backer, Ng Lap Seng (Mr. Wu).

- The White House and the DNC were putting together fund-raisers where many of the people were foreign citizens. The President attended these events along with DNC Chairman Fowler and other high-level DNC officials. It has been reported to the Committee that at an Asian-American Dinner in May 1996, there was only one person other than the President at the head table who spoke English.

The Independent Counsel Act overcomes the problem of conflicting loyalties. It recognizes that an Attorney General cannot credibly make decisions about prosecuting high-level employees or appointees of the President who appointed him or her.

Every indication is that the task force's investigation has reached the stage where these decisions must be made. These decisions will only have credibility in the public mind if they are made by a truly independent prosecutor.

As you recall last fall, FBI Director Louis Freeh urged you to seek appointment of an independent counsel for just these reasons. I believe he was right then and right now.

I urge you to reconsider your previous decisions and move now to apply to the court for appointment of an independent counsel.

Sincerely,

Dan Burton
Chairman

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BERNARD SANDERS, VERMONT
INDEPENDENT

July 15, 1998

Charles G. LaBella, Esq.
U.S. Department of Justice
Campaign Contributions Task Force
1001 G Street, N.W., Suite 800
Washington, D.C. 20001

Re: Immunity for Witnesses

Dear Mr. LaBella:

I am writing to request the opinion of the Department of Justice regarding grants of immunity by this Committee to a number of witnesses involved in this Committee's investigation of illegal political contributions. I have raised a number of these witnesses with you in the past, but have never gotten a definitive response. None of these individuals are major figures in the campaign finance scandal, and a grant of immunity to any of them should not be controversial.

Bie Chuan Ong and Lucy Jao Ong: Mr. Ong is a former Lippo executive who contributed at least $40,000 with his wife, Lucy Jao Ong, during the 1992 election cycle. Documents indicate that at least $20,000 of this amount were conduit contributions.

Terri Bradley: Ms. Bradley was a secretary for Thomas Kramer, and has acted as a conduit contributor at Mr. Kramer's request. While we have raised Ms. Bradley's name in the past as an immunity candidate, we would again ask for your opinion in light of recent investigative developments.

Jessica Elnitiarta: Ms. Elnitiarta is the daughter of Ted Sioeng, and has extensive knowledge regarding Mr. Sioeng's activities in the United States and Asia, including his political contributions.

Kweek Wie Lay: Mr. Lay is a former business associate of Ted Sioeng.

Simon Chen: Mr. Chen is the former owner of the International Daily News and business associate of Ted Sioeng.

Charles T. Chiang: We have had a number of discussions about Mr. Chiang in the past, but it is our understanding that Mr. Chiang has provided the Department with a new, more extensive proffer. We would be interested in learning your opinion about immunity for Mr. Chiang in light of this proffer.

Kimmy L. Young and Nelson F. Young: The Youngs contributed $10,000 to the DNC in August 1996. Records indicate that this contribution may be a conduit contribution involving Antonio Pan. It is our understanding that the Youngs are cooperating with the Department's investigation as well as an FEC investigation.

Marcelino V. Brotonel; Reynaldo B. Crespo; Ricardo Crespo; Jacob Delvalle; Raymond B. DosRemedios; Richard Esparragoza; David Fried; Manuel G. Garcia; William Gearhart; Leonard J. Keller; Juan M. Ortiz; Gregorio P. Narvasa; Robert J. Nowell; Ruth Stella Ramirez; Juan L. Ruiz; Rolando Sacramento; Enrique Sanchez; Jennifer C. Seijas: All of these individuals are employees of Future Tech and made substantial contributions to Clinton-Gore '96 and other political campaigns that appear to be conduit contributions.

Please contact the Committee's Chief Counsel, Barbara J. Comstock, at (202) 225-5074 to schedule a meeting regarding the potential grant of immunity to these individuals.

Sincerely,

Dan Burton
Chairman

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BERNARD SANDERS, VERMONT
INDEPENDENT

July 23, 1998

The Honorable Louis Freeh
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Director Freeh:

Pursuant to Rule X, clauses 2(b)(1) and 2(b)(2) of the Rules of the House of Representatives, the Committee on Government Reform and Oversight is conducting an investigation into political fundraising improprieties and possible violations of law. Under these auspices, the Committee will be convening a hearing regarding the need for an Independent Counsel in the campaign finance investigation on Thursday, July 30. I am requesting that you appear before the Committee to testify at this hearing.

The hearing will commence at 10:00 a.m., in Room 2154 of the Rayburn House Office Building. Please contact the Committee by 12:00 Noon, Friday, July 24, to confirm your attendance. Please provide 100 copies of your written testimony to the Committee by close of business, Tuesday, July 28, to the attention of Teresa Austin.

Under Section 210 of the Congressional Accountability Act, the House of Representatives complies with the Americans with Disabilities Act. If you are in need of special accommodations based on disability, please contact Judy McCoy at least four business days prior to the hearing.

Please have your staff contact my Chief Counsel, Barbara Comstock, at 202-225-5074, to make any necessary arrangements. The Committee looks forward to hearing your testimony.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman
Ranking Minority Member

DAN BURTON, INDIANA
CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
J. DENNIS HASTERT, ILLINOIS
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ONE HUNDRED FIFTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

MAJORITY (202) 225–5074
MINORITY (202) 225–5051
TTY (202) 225–6852

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RANKING MINORITY MEMBER

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JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
HAROLD E. FORD, JR., TENNESSEE

BERNARD SANDERS, VERMONT
INDEPENDENT

July 23, 1998

Mr. James Desarno
Special Agent in Charge —
Campaign Finance Task Force
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Mr. Desarno:

Pursuant to Rule X, clauses 2(b)(1) and 2(b)(2) of the Rules of the House of Representatives, the Committee on Government Reform and Oversight is conducting an investigation into political fundraising improprieties and possible violations of law. Under these auspices, the Committee will be convening a hearing regarding the need for an Independent Counsel in the campaign finance investigation on Thursday, July 30. I am requesting that you appear before the Committee to testify at this hearing.

The hearing will commence at 10:00 a.m., in Room 2154 of the Rayburn House Office Building. Please contact the Committee by 12:00 Noon, Friday, July 24, to confirm your attendance. Please provide 100 copies of your written testimony to the Committee by close of business, Tuesday, July 28, to the attention of Teresa Austin.

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Please have your staff contact my Chief Counsel, Barbara Comstock, at 202-225-5074, to make any necessary arrangements. The Committee looks forward to hearing your testimony.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman
Ranking Minority Member

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BERNARD SANDERS, VERMONT
INDEPENDENT

July 23, 1998

Mr. Charles LaBella
Chief Prosecutor
Campaign Finance Task Force
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Mr. LaBella:

Pursuant to Rule X, clauses 2(b)(1) and 2(b)(2) of the Rules of the House of Representatives, the Committee on Government Reform and Oversight is conducting an investigation into political fundraising improprieties and possible violations of law. Under these auspices, the Committee will be convening a hearing regarding the need for an Independent Counsel in the campaign finance investigation on Thursday, July 30. I am requesting that you appear before the Committee to discuss your recent recommendations to the Attorney General.

The hearing will commence at 10:00 a.m., in Room 2154 of the Rayburn House Office Building. Please contact the Committee by 12:00 Noon, Friday, July 24, to confirm your attendance. Please provide 100 copies of your written testimony to the Committee by close of business, Tuesday, July 28, to the attention of Teresa Austin.

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Please have your staff contact my Chief Counsel, Barbara Comstock, at 202-225-5074, to make any necessary arrangements. The Committee looks forward to hearing your testimony.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman
Ranking Minority Member

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JIM TURNER, TEXAS
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HAROLD E. FORD, JR., TENNESSEE

BERNARD SANDERS, VERMONT
INDEPENDENT

July 23, 1998

The Honorable Janet Reno
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Madam Attorney General:

Pursuant to Rule X, clauses 2(b)(1) and 2(b)(2) of the Rules of the House of Representatives, the Committee on Government Reform and Oversight is conducting an investigation into political fundraising improprieties and possible violations of law. Under these auspices, I respectfully request that you provide the Committee with copies of the following documents:

- A copy of the memo or report that you reportedly received this month from Charles LaBella, the chief prosecutor on the Campaign Finance Task Force, regarding the status of the investigation and the need for an independent counsel.

- A copy of the memo you received from FBI Director Louis Freeh in November 1997 in which he recommended appointment of an independent counsel.

As you may be aware, I have asked Mr. LaBella, Director Freeh, and Special Agent James Desarno to testify before the Committee next Thursday. The Committee needs to have these memos prior to next week's hearing in order to make it as productive as possible. Therefore, I ask you to please provide the memos by 5:00 p.m. on Monday, July 27. I would also request that you please confirm to the Committee by 1:00 p.m. on Friday, July 24, your intention to comply with this request. In the absence of such confirmation, I will be compelled to issue a subpoena for the documents.

Please have these documents delivered to the Committee's offices at 2157 Rayburn House Office Building. If you have any questions, please have your staff contact my Chief Counsel, Barbara Comstock, at 202-225-5074. Thank you for your assistance in this matter.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman
Ranking Minority Member

Subpena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Attorney General Janet Reno

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform and Oversight of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn House Office Building, in the city of Washington, on July 27, 1998, at the hour of 5:00 p.m.

To Judy McCoy or U.S. Marshal's Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 24th day of July, 19 98

Dan Burton
Chairman.

Attest:

Robin H. Carle
Clerk.

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform and Oversight
United States House of Representatives

Attorney General Janet Reno
U.S. Department of Justice
10th and Pennsylvania Avenue, N.W.
Washington, D.C. 20530

The Committee hereby subpoenas certain records. If you have any questions, please contact the Committee's Chief Counsel Barbara J. Comstock at (202) 225-5074.

Subpoenaed Items

Please provide the Committee with the following records. Please redact any information in these records subject to Rule 6(e) of the Federal Rules of Criminal Procedure.

1. November 1997 memorandum and/or report from FBI Director Louis J. Freeh to Attorney General Reno relating to the appointment of an Independent Counsel in the campaign finance investigation.

2. July 1998 memorandum and/or report from Charles G. LaBella to Attorney General Janet Reno relating to the appointment of an Independent Counsel in the campaign finance investigation.

Subpena to Testify (Hearing)

By Authority of the House of Representatives of the Congress of the United States of America

To Charles G. LaBella

You are hereby commanded to be and appear before the full Committee on Government Reform and Oversight of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, in Room 2154 of the Rayburn Building, in the city of Washington, on July 30, 1998, at the hour of 10:00 a.m., then and there to testify touching matters of inquiry committed to said Committee; and you are not to depart without leave of said Committee.

To Judy McCoy or U.S. Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 24th day of July, 19 98

Dan Burton

Chairman.

Attest:

Robin H Carle

Clerk.

Subpena for Charles G. LaBella

before the Committee on the

Government Reform and Oversight

Served

House of Representatives

GPO: 1990 31-267 (m)

Subpena to Testify (Hearing)

By Authority of the House of Representatives of the Congress of the United States of America

To Louis J. Freeh

You are hereby commanded to be and appear before the full Committee on Government Reform and Oversight of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, in Room 2154 of the Rayburn Building, in the city of Washington, on July 30, 1998, at the hour of 10:00 a.m., then and there to testify touching matters of inquiry committed to said Committee; and you are not to depart without leave of said Committee.

To Judy McCoy or U.S. Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 24th day of July, 19 98

Dan Burton

Chairman.

Attest:

Robin H Carle

Clerk.

Subpena for Louis J. Freeh

before the Committee on the

Government Reform and Oversight

Served

House of Representatives

GPO: 1990 31-287 (m)

DAN BURTON, INDIANA
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ONE HUNDRED FIFTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

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BERNARD SANDERS, VERMONT
INDEPENDENT

July 24, 1998

The Honorable Dan Burton
Chairman
House Committee on Government Reform and Oversight
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Burton:

I am writing regarding the subpoenas you issued today to the Department of Justice. I am concerned not only about your decision to issue the subpoenas but also about the procedure that was followed to authorize the issuance of the subpoenas.

Yesterday, my staff was notified that you intended to schedule a hearing on Attorney General Janet Reno's decision not to appoint an independent counsel to investigate campaign fundraising matters. The staff was also notified that you intended to issue a subpoena to the Department of Justice for copies of confidential memoranda that were prepared by FBI Director Louis Freeh and Charles LaBella, the head of DOJ's campaign task force. When I indicated to you that I would object to the issuance of the subpoena, a meeting of the Committee's Working Group was scheduled for this morning at 9:30 a.m.

Rep. Lantos, Rep. Cox, and I attended the Working Group meeting with you this morning. The four of us discussed the subpoenas, but reached no consensus. Realizing that you did not have the majority necessary to issue the subpoena, you stated that the Working Group would reconvene later near the House floor so that Rep. Hastert -- who was managing a bill on the floor -- could attend the meeting.

When the Working Group reconvened, four members (Reps. Burton, Waxman, Hastert and Cox) were present. Although our Document Protocol requires that "the Working Group shall endeavor in good faith to reach consensus," you did not allow me an opportunity to present my concerns to Mr. Hastert or to engage in any meaningful discussion with him. Instead, after less than five minutes of cursory discussion, you insisted that a vote be taken. (Ironically, even though you had earlier postponed a vote because Mr. Hastert was not present, you proceeded to

take a vote in Mr. Lantos's absence.) Not surprisingly, I was outvoted three to one.

Last month, when you were seeking the minority's support for immunity for four witnesses, you stated that "[w]e have offered to make our five-Member working group meet to vote on any subpoenas that you oppose, and I have pledged to abide by the working group's decisions." You also assured me that "[t]hese are not cosmetic changes." Unfortunately, your conduct today conflicts with these assurances. A process that denies the minority the opportunity to present its views is simply a sham process.

Not only am I concerned about the procedure that you followed in approving the subpoenas, I also object to the subpoenas themselves. With regard to the memorandum written by Director Freeh, the issuance of a subpoena violates the earlier agreement between the Committee and DOJ. Last December, you subpoenaed the Freeh memo, and DOJ refused to produce it. A compromise was reached whereby DOJ and FBI officials briefed us orally about the contents of the document, but did not produce it. Your issuance of a new subpoena conflicts with your prior agreement to not to subpoena the document in exchange for DOJ's agreement to provide an oral briefing.

With regard to the fact-intensive 100-page document drafted by Mr. LaBella, your subpoena violates the principle -- which has been followed by Administrations of both parties -- that memoranda that make recommendations regarding potential criminal prosecutions are not provided to Congress. See, e.g., Memorandum of Charles J. Cooper (Asst. Atty. Gen'l to President Reagan), Re: Response to Congressional Requests for Information Regarding Decisions Made Under the Independent Counsel Act, 10 Op. O.L.C. 68, 76 (1986).

There is a sound basis for respecting this principle. First, disclosure of sensitive investigative materials could compromise an on-going criminal investigation.[1] Second, Congress should not be influencing or interfering with DOJ's prosecutorial decisions. This latter factor is particularly relevant in this instance. The Attorney General has not finished reviewing the LaBella memo and evaluating whether the information contained in the memo merits criminal prosecutions or the appointment of an independent counsel. Until she makes these decisions, any congressional intervention risks improperly influencing her decisions on criminal prosecutions.

At a minimum, prior to the issuance of the subpoena, the Working Group should have

---

[1] Simply redacting grand jury information pursuant to Federal Rule of Criminal Procedure 6(e) would not be sufficient. The LaBella memorandum may well contain highly sensitive investigative information -- such as witness interviews, document summaries, investigative strategies, and legal theories -- that are not covered by Rule 6(e).

offered DOJ and FBI representatives an opportunity to explain their views on why the Freeh and LaBella memoranda should not be produced to Congress at this time. Unfortunately, this very reasonable suggestion was also rejected at today's meeting.

Sincerely,

Henry A. Waxman
Ranking Minority Member

cc: Members of the Committee on Government Reform and Oversight

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

July 27, 1998

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

Dear Mr. Chairman:

This responds to your letter of July 23, and subpoena of July 24, seeking copies of a recent memorandum to the Attorney General from Charles LaBella and a November 1997 memorandum to the Attorney General from FBI Director Freeh.

We would be happy to meet with your staff at their earliest convenience to discuss ways to accommodate the Committee's information needs to the fullest extent that we can, consistent with our law enforcement responsibilities. Because of the ongoing criminal investigation into the matters that are the subject of the memoranda, we are unable to provide the documents that you request at this time. Our position is based principally on the longstanding Department policy of declining to provide congressional committees with access to nonpublic information on open law enforcement investigations. We will provide to the Committee a detailed statement of our position tomorrow.

Sincerely,

L. Anthony Sutin
Acting Assistant Attorney General

cc: The Honorable Henry A. Waxman
Ranking Minority Member

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BERNARD SANDERS, VERMONT
INDEPENDENT

July 27, 1998

Craig Iscoe, Esquire
Counsel to the Deputy Attorney General
United States Department of Justice
10th Street and Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Mr. Iscoe:

For the past three weeks, I have been requesting that you provide us with a date on which to meet with the appropriate Campaign Finance Task Force officials to discuss immunity for a number of witnesses. Several weeks into this process, you indicated that the Department needed a specific request listing the Committee's proposed immunity candidates and subject areas of discussion before a meeting would take place. On July 15, 1998 Chairman Burton wrote to Charles LaBella outlining our request and formally inquiring as to the opinion of the Department of Justice regarding the granting of immunity to individuals specified in his letter.

Since that letter, I have informed you on a number of occasions of our interest in scheduling a meeting to discuss immunity for numerous witnesses. You have assured me that you are working on arranging this meeting, yet we still -- twelve days later -- have not been provided with a date for this meeting. At no time did you indicate Mr. LaBella would be leaving the department on a date certain. I was disappointed to learn that this meeting was delayed until after Mr. LaBella left his position as Supervising Attorney to the task force.

It is my hope that we can resolve this issue and settle on a meeting date this week. Delaying these issues indefinitely does not serve the public well and makes it incredibly difficult for the Committee to advance its investigation.

Please contact me with any questions or concerns at 225-5074. Thank you for your anticipated cooperation, and I look forward to hearing from you.

Sincerely,

Barbara J. Comstock
Chief Counsel

U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535

July 27, 1998

The Honorable Dan Burton
Chairman
Committee on Government Reform and Oversight
2157 Rayburn House Office Building
Washington, D.C. 20515-5143

Dear Mr. Chairman:

In response to correspondence from the Committee dated June 5, 1998, enclosed please find certain documents responsive to request #4 seeking material related to the disciplinary action taken against former Special Agent Calvin Uhlig. Your request also seeks a copy of the letter sent to Mr. Uhlig which purportedly clears him of any wrongdoing. Based upon the description provided in your letter, the FBI has been unable to locate such a document.

The FBI has previously produced information responsive to requests # 1 and 5 with the exception of documents which pertain to Michael Brown. We have identified two serials which may be responsive to this request and which will be reviewed and processed for the Committee when located.

As we have advised the Committee with each production, in order to maintain the integrity of the ongoing criminal investigations into possible campaign finance abuses, we cannot make available information from pending investigative files at this time even though this information may be responsive to a request from the Committee. After consulting with the Criminal Division, the case agents, and federal prosecutors, the Department of Justice must respectfully decline to respond to your request for copies of any June 1997 FD-302 of the Lums, copies of FD-302s of Melinda Yee, copies of teletypes between FBI Headquarters and the Oklahoma City or Tulsa field offices between 1994 and 1995 regarding the Lums, Dynamic Energy, Michael Brown and illegal campaign contributions, or for copies of any interview of William Stuart Price.

The Honorable Dan Burton

If we can be of further assistance to the Committee in this matter, please do not hesitate to contact my office at (202) 324-2727.

Sincerely,

John Collingwood
Assistant Director
Office of Public and Congressional Affairs

Enclosures

1 - The Honorable Henry A. Waxman
Ranking Minority Member
Committee on Government Reform and Oversight
United States House of Representatives
Washington, D.C. 20515

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Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

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BERNARD SANDERS, VERMONT
INDEPENDENT

July 28, 1998

By Hand

Mark M. Richard, Esq.
Acting Assistant Attorney General
United States Department of Justice
Room 2113
950 Pennsylvania Avenues, N.W.
Washington, D.C. 20530

Re: Transcript of Kent La Deposition

Dear Mr. Richard:

By letter dated April 22, 1998, you set forth certain procedures for the Committee on Government Reform and Oversight to follow in exchange for the Department of Justice agreeing to withdraw its objection to the Committee seeking an order of immunity for Kent La. Two of the procedures were set forth in your letter as follows:

> 5. The second copy of the transcript will be provided to a designated attorney within the Department of Justice, but who is not assigned to the Campaign Financing Task Force, who will review the transcript to determine if public release of the testimony could compromise the Department's ongoing criminal investigations. The designated attorney will maintain the transcript in a secure location. No Department of Justice employee other than the designated attorney will be permitted to review the transcript.
>
> 6. The Committee will not present Mr. La's public testimony until and unless the Department of Justice attorney has made the determination, discussed in No. 5, above, that public disclosure of the transcript or its contents would not compromise the investigation.

On June 29, 1998, the United States District Court for the District of Columbia issued an order immunizing the testimony of, and other information provided to the Committee by, Kent La. On July 22 and 23, 1998, Michael Bopp and Ken Ballen of the Committee staff deposed Mr. La in Los Angeles, California. Because you have not told us the identity of the designated

attorney within the Department of Justice who will review the transcript of Mr. La's deposition, I have sent a certified copy of the transcript to you in the attached sealed envelopes.

As you know, the Committee's work is extremely time sensitive. As such, I ask that, by Monday, August 3, 1998, the designated Department of Justice attorney review the transcript and inform the Committee of the information, if any, the Department requests not be released. Please have the designated attorney contact Michael Bopp at 202/226-2299. Thank you for your assistance.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman, Ranking Minority Member
Craig Iscoe, Assistant to the Deputy Attorney General

Office of the Attorney General
Washington, D. C. 20530

July 28, 1998

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

Dear Mr. Chairman:

This responds to your letter of July 23, and subpoena of July 24, seeking copies of a recent memorandum to the Attorney General from Charles La Bella and a November 1997 memorandum to the Attorney General from FBI Director Freeh. You previously requested the latter document and, in a joint letter to you of December 8, 1997, we explained why, as Attorney General and FBI Director, we were strongly opposed to releasing the Freeh memorandum to Congress. We continue to hold that position regarding the Freeh memorandum, and our reasoning applies with even greater force to the La Bella memorandum. As was stated then and is discussed below, we are prepared to work with the Committee, as we did in connection with the Freeh memorandum, to accommodate legitimate oversight and law enforcement concerns.

As stated in the Attorney General's letter to you of December 4, our position is based principally on the longstanding Department policy of declining to provide congressional committees with access to open law enforcement files. The rationale for this important policy is set forth in a 1986 memorandum by Charles J. Cooper, Assistant Attorney General for the Office of Legal Counsel during the Reagan Administration, which is quoted at length in the December 4 letter. Mr. Cooper was not the first to articulate this policy. Indeed, as Mr. Cooper notes in his memorandum, over fifty years ago Attorney General Robert H. Jackson informed Congress that:

> It is the position of the Department . . . that all investigative reports are confidential documents of the executive department of the Government, to aid in the duty laid upon the President by the Constitution to "take care that the Laws be faithfully executed," and that congressional or public access to them would not be in the public interest . . .

40 Op. Att'y Gen. 45, 46 (1941). Moreover, Attorney General Jackson's position was not new. His letter cited prior Attorney General letters taking the position that dated back to the beginning of the century (id. at 47-48).

The disclosure of these memoranda could provide a "road map" of the Department's investigation. The documents, or information that they contain, could come into the possession

of the targets of the investigation through inadvertence or deliberate act on the part of someone having access to them. The investigation could be seriously prejudiced by the revelation of the direction of the investigation, information about the evidence that the prosecutors have obtained, and assessments of the strengths and weaknesses of various aspects of the investigation. Indeed, disclosure of information such as is contained in this report could significantly impede the Task Force's criminal investigation and could conceivably preclude prosecution of some individuals. In addition, the reputation of individuals mentioned in a document like this could be severely damaged by the public release of information about them, even though the case might ultimately not warrant prosecution. As Attorney General Jackson observed:

> Disclosure of the [law enforcement] reports could not do otherwise than seriously prejudice law enforcement. Counsel for a defendant or a prospective defendant, could have no greater help than to know how much or how little information the Government has, and what witnesses or sources of information it can rely upon. This is exactly what these reports are intended to contain.

40 Op. Att'y Gen. 45, 46 (1941).

Mr. Cooper's memorandum also noted that providing a congressional committee with confidential details about active criminal investigations would place the Congress in a position to exert pressure or attempt to influence the prosecutions of criminal cases. Congress could second-guess tactical and strategic decisions, question witness interview schedules, debate conflicting internal recommendations, and generally attempt to influence the outcome of the criminal investigation. Such a practice would damage law enforcement efforts significantly and shake public confidence in the criminal justice system; decisions about the course of a criminal investigation must be made without reference to political considerations. As one Justice Department official noted,

> the Executive cannot effectively investigate if Congress is, in a sense, a partner in the investigation. If a congressional committee is fully apprised of all details of an investigation as the investigation proceeds, there is a substantial danger that congressional pressures will influence the course of the investigation.

Memorandum for Edward L. Morgan, Deputy Counsel to the President, from Thomas E. Kauper, Deputy Assistant Attorney General, Office of Legal Counsel, Re: Submission of Open CID Investigation Files 2 (Dec. 19, 1969), quoted in Cooper memorandum, 10 Op. O.L.C. at 76.

Finally, both memoranda are confidential assessments of the evidence gathered during an ongoing criminal investigation and the application of the law to that evidence. Each memorandum expresses the author's personal views and analysis of the law and facts. We strongly believe that this Attorney General, and all future Attorneys General, must have the benefit of the candid, confidential recommendations of the FBI Director and Department attorneys in order to discharge their duties effectively. If those who write such memoranda

believe that their advice and recommendations could be disclosed to Congress or the public, they will be reluctant to set forth their true views or to make such recommendations at all.

These concerns are particularly acute since the Attorney General is currently evaluating the La Bella memorandum. To provide these documents to Congress could create an unavoidable and unacceptable perception that the Congress is seeking to influence law enforcement decisions for political reasons.

We also note, as your subpoena anticipates, that the La Bella memorandum and sections of the Freeh memorandum rely heavily on information obtained by the grand jury during the criminal investigation which, as you know, we are prohibited from disclosing under Rule 6(e) of the Federal Rules of Criminal Procedure. The Rule 6(e) information in the memoranda is closely intertwined with other material.

We remain committed to seeking to accommodate the Committee's oversight responsibilities and information needs to the fullest extent that we can, consistent with our law enforcement responsibilities. We are prepared to make the same accommodation that the Committee agreed to last year with respect to the Freeh memorandum and, after the Attorney General has completed her evaluation of Mr. La Bella's recommendation, provide a confidential briefing on appropriate portions of the La Bella memorandum.

Sincerely,

Janet Reno
Attorney General

Louis J. Freeh, Director
Federal Bureau of Investigation

Enclosures

cc: The Honorable Henry A. Waxman
Ranking Minority Member

Office of the Attorney General
Washington, D. C. 20530

December 4, 1997

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

Dear Mr. Chairman:

This letter responds to your letters to FBI Director Freeh and me asking us to provide the Committee with a copy of Director Freeh's recent memorandum to me concerning whether I should request the appointment of an independent counsel with respect to the campaign finance matter.

The Department of Justice, including the FBI, recognizes the Committee's oversight responsibilities in this area and is committed to seeking to satisfy the Committee's legitimate needs for information. As I have done at previous congressional hearings, I will explain at the Committee's hearing next week my decisions regarding appointment of an independent counsel. Because of my responsibility to protect the confidentiality and integrity of our ongoing criminal investigation, however, I must continue to decline to discuss at congressional hearings the evidence developed in our investigation, our investigative strategies, the different views expressed within the Department concerning the many legal and investigative issues we have been considering, or the recommendations I receive regarding issues that arise during this investigation. These issues include, of course, the question continuously before me concerning whether the statutory requirements for appointment of an independent counsel have been triggered.

The memorandum you have requested contains precisely this type of information. Director Freeh has expressed to me his complete agreement with my judgment that our joint responsibility to protect the integrity of ongoing criminal investigations and prosecutorial decisionmaking requires that we decline to provide the memorandum. In fact, Director Freeh informed me that he independently reached the same conclusion before we even discussed the matter.

Our position is based principally on the longstanding Department policy of declining to provide congressional committees with access to open law enforcement files. Congress has been respectful of this policy, which has been applied consistently during Administrations of both parties. Charles J. Cooper, who served as Assistant Attorney General for the Office of Legal Counsel during the Reagan Administration, explained the rationale for this policy in a comprehensive opinion concerning congressional requests for information about decisions under the Independent Counsel Act:

> This policy is grounded primarily on the need to protect the government's ability to prosecute fully and fairly. Attorney General Robert H. Jackson articulated the basic position over forty years ago: "It is the position of this Department . . . that all investigative reports are confidential documents of the executive department of the Government, to aid in the duty laid upon the President by the Constitution to 'take care that the Laws be faithfully executed,' and that congressional or public access to them would not be in the public interest. . . ." 40 Op. Att'y Gen. 45, 46 (1941). Similarly, this Office has explained that "the Executive cannot effectively investigate if Congress is, in a sense, a partner in the investigation. If a congressional committee is fully apprised of all details of an investigation as the investigation proceeds, there is a substantial danger that congressional pressures will influence the course of the investigation." Memorandum for Edward L. Morgan, Deputy Counsel to the President, from Thomas E. Kauper, Deputy Assistant Attorney General, Office of Legal Counsel (Dec. 19, 1969). Other grounds for objecting to the disclosure of law enforcement files include . . . well-founded fears that the perception of the integrity, impartiality, and fairness of the law enforcement process as a whole will be damaged if sensitive material is distributed beyond those persons necessarily involved in the investigation and prosecution process.

Memorandum for the Attorney General from Charles J. Cooper, Assistant Attorney General, Office of Legal Counsel, Re: Response to Congressional Requests for Information Regarding Decisions made Under the Independent Counsel Act, 10 Op. O.L.C. 68, 76 (1986) ("Cooper Opinion").

We have in addition to our immediate concern about compromising the ongoing criminal investigation a more general, but no less substantial, concern that disclosure of such a quintessentially deliberative document "might hamper prosecutorial decision-making in future cases. . . .

Employees of the Department would likely be reluctant to express candidly their views and recommendations on controversial and sensitive matters if those views could be exposed to public scrutiny by Congress upon request." Cooper Opinion, 10 Op. O.L.C. at 77 (emphasis in original).

The need to protect the confidentiality and independence of an ongoing investigation and our prosecutorial decisionmaking is fundamental to the responsibilities Director Freeh and I have under the criminal justice system. We must therefore respectfully decline your request for the memorandum. I am prepared to respond to your questions about my decisions on the appointment of an independent counsel to the fullest extent I can, consistent with my law enforcement responsibilities.

Sincerely,

Janet Reno
Attorney General

cc: The Honorable Henry A. Waxman
Ranking Minority Member

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BERNARD SANDERS, VERMONT
INDEPENDENT

July 28, 1998

Eric H. Holder, Jr., Esquire
Deputy Attorney General
United States Department of Justice
10th and Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Mr. Holder:

I write to memorialize our telephone conversation of today in which you indicated that FBI Director Louis J. Freeh, FBI Agent James V. Desarno, and Interim U.S. Attorney Charles G. LaBella will appear to testify before the Committee on Government Reform and Oversight on Tuesday, August 4, 1998 at 10:00 a.m. for the Committee's hearings on "The Need for an Independent Counsel in the Campaign Finance Investigation."

If you have any questions or concerns, please do not hesitate to call me or Chief Counsel Barbara J. Comstock at 225-5074.

Sincerely,

Dan Burton

Dan Burton
Chairman

U. S. Department of Justice

Criminal Division

Office of the Deputy Assistant Attorney General *Washington, D.C. 20530*

July 30, 1998

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

Dear Mr. Chairman:

It has been brought to my attention that the Committee is considering releasing to the public a series of travelers checks related to the case United States v. Charlie Trie and Antonio Pan, Crim. No. 98-0029. I am writing to request that the checks not be released at this time.

Although the case has been indicted, additional charges with possible new co-conspirators are under consideration. Certain facts surrounding the travelers checks are under active investigation and are crucial to our determination whether additional crimes are charged. The FBI is pursuing leads both here and abroad. Release of the checks now would inevitably compromise our ability to develop new evidence by alerting witnesses and conspirators about the nature and direction of the investigation. (Indeed, because of these concerns the checks have not yet been released to the defendant in the Trie case.)

We very much appreciate your notifying us about this matter and would be happy to meet with you to discuss the issue further.

Sincerely,

Mark M Richard
Deputy Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member
Committee on Government Reform
and Oversight
U.S. House of Representatives

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BERNARD SANDERS, VERMONT
INDEPENDENT

August 2, 1998

Mr. Mark Richard
Deputy Assistant Attorney General
U.S. Department of Justice
Criminal Division
Washington, D.C. 20530

Dear Mr. Richard:

I am in receipt of your letter of July 30, which was faxed to this office on July 31, 1998 at 5:30 p.m., following a meeting between myself and Attorney General Reno and FBI Director Freeh. In this letter, you raise concerns about the Committee's release of documents having to do with Charlie Trie and Antonio Pan.

I was surprised to receive this letter at this late date, as both majority and minority staff had raised this issue with the Justice Department weeks ago, and majority staff, at least, had received no response until after Congressman Waxman raised this issue at the Friday afternoon meeting. What is more, it seemed apparent in the course of my staff's work that this was not an area which the Justice Department was aggressively pursuing. My staff learned that the Justice Department had not contacted several key witnesses in this area. In fact, a key witness in New York does not appear to have been contacted by the Justice Department until Justice Department officials were contacted by minority staff from this Committee and alerted to the Committee's work in this area. Shortly thereafter, Justice Department investigators went to New York to interview this individual, a week after majority committee staff first contacted him.

With regard to the documents in question, it is not clear to me that public release will jeopardize either your investigation or ours. Committee staff has contacted or interviewed most of the recipients of these funds in the United States. In discussions with lawyers for the bank in question, it was learned that the Justice Department has been unable to obtain information about the ultimate source of these funds. Given past experience, it is unlikely that the Justice Department or the Congress will receive significant assistance from overseas governments or other executive branch agencies in obtaining information outside the United States, given the lack of commitment from the Clinton Administration to press these matters.

Given all of this, it does not seem likely that public release of these documents will alert targets of this investigation who have not already been alerted. It also does not appear that this area has been a high priority for the Department prior to being alerted to the Committee's interest in it.

This Committee takes seriously its charge to inform the public about abuses of Federal campaign laws -- particularly the penetration of foreign money into U.S. elections. If you continue to believe that these documents should be withheld from the American public, I request that you meet with counsel for the Committee on Monday, August 3, 1998, prior to Tuesday's scheduled hearing.

Thank you for your attention to this matter. Please contact my Chief Counsel, Barbara Comstock, or Chief Investigative Counsel, James Wilson at 202-225-5074 if you have any questions.

Sincerely,

Dan Burton
Chairman

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BERNARD SANDERS, VERMONT
INDEPENDENT

August 3, 1998

The Honorable Janet Reno
Attorney General
United States Department of Justice
10th and Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear General Reno:

On May 15, 1998, it was reported that Johnny Chung received $300,000 from Liu Chaoying, who is the Managing Director of China Aerospace and the daughter of retired PLA General Liu Huaging. It was also reported that Mr. Chung contributed $100,000 of those funds to Democratic causes in the summer of 1996.

Shortly after those facts were revealed by the press, the Committee on Government Reform and Oversight (the "Committee") released numerous documents pertaining to Mr. Chung's relationship with Liu Chaoying. In an effort to assist the Justice Department's investigation, the Committee offered the Department an opportunity to voice any concerns about the release of particular documents. Committee attorneys also met with Justice Department officials to discuss the evidence and its implications in detail. The Department asked the Committee not to release some of those documents at that time.

In the intervening two months, the Committee has agreed not to make those documents public in an effort to allow the Justice Department the opportunity to follow any leads contained therein. However, at this time, there are a number of reasons why the release of the documents should no longer be of concern.

Much of the information regarding Johnny Chung's relationship with Liu Chaoying has been reported in the press. For instance, the Department requested that the Committee not release lists of guests that Mr. Chung brought to various fund-raisers. It has already been reported that Liu Choaying was among these guests. In addition, documents also include numerous innocuous items, including business and Christmas cards.

The Committee went to great lengths to immunize two of Johnny Chung's employees who were also immunized by the Justice Department. We plan to call those individuals to testify before the Committee in the very near future. Given the seriousness of the allegations that have been reported in the press, the Committee attaches great importance to the public's right to know what happened in this instance.

Absent a more detailed and compelling explanation from the Justice Department as to why these documents should not be made public, the Committee plans to use them in its upcoming hearing.

Thank you for your attention to this matter.

Sincerely,

Dan Burton
Chairman

cc: Craig Iscoe, Esq.

U.S. Department of Justice

Criminal Division

Deputy Assistant Attorney General

Washington, D.C. 20530

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

AUG 6 1 1998

Dear Mr. Chairman:

Pursuant to the terms of agreement set forth in our April 22, 1998 letter, a designated attorney within the Department of Justice has reviewed the transcript of the Kent La deposition taken in executive session by two Committee staff members. The attorney has concluded that release of the transcript and/or public testimony by Mr. La along the lines of his deposition testimony would compromise the Department's ongoing criminal investigation.

In light of this determination, paragraph 6 of the agreement precludes the Committee from disclosing the transcript or its contents or presenting Mr. La's public testimony. Should circumstances with the investigation warrant a change in the designated attorney's position, we will notify the Committee promptly.

I would be happy to meet with you or your designee to discuss this matter further if you believe that additional discussion would be helpful.

Sincerely,

Mark M Richard
Deputy Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member
Committee on Government Reform
and Oversight
U.S. House of Representatives

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ONE HUNDRED FIFTH CONGRESS

Congress of the United States
House of Representatives

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BERNARD SANDERS, VERMONT
INDEPENDENT

August 3, 1998

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Dear General Reno:

I am writing in response to the July 28, 1998 letter from you in which you indicated you will not comply with the Committee subpoena served upon you on July 24, 1998, returnable on July 27, 1998. I also write to address issues raised in our meeting with you and Director Freeh on July 31, 1998.

I am disappointed in the letter response of July 28, 1998. As you know, we have subpoenaed the Freeh and La Bella memoranda, both of which reportedly outline the strong legal and factual reasons why the appointment of an independent counsel in the campaign finance investigation is essential. According to news reports, both of these memos from your top two law enforcement officials in charge of this investigation indicate you are not following the law in this matter. Our own investigation in this matter has led the majority of the members of this committee to the same conclusions. This is a very serious issue.

While you claim that your July 28 letter responds to the Committee's subpoena, it does not. This Committee cannot accept a recitation of policy arguments and a recapitulation of points made in correspondence many months ago in the place of compliance with its subpoena. Furthermore, no privilege claims have been asserted in withholding the memoranda.

Your letter relies heavily on the opinion drafted by Assistant Attorney General Charles Cooper. However, as that opinion makes perfectly clear, the only potentially

valid ground for refusing to comply with a Congressional subpoena is a claim of executive privilege:

> [executive] privilege itself need not be claimed formally vis-a-vis Congress except in response to a lawful subpoena; in responding to an informal congressional request for information, the Executive Branch is not necessarily bound by the limits of executive privilege.
>
> Memorandum for the Attorney General from Charles J. Cooper, Response to Congressional Requests for Information Made Under the Independent Counsel Act, 10 Op. O.L.C. 68, 75 (1986).

Your letter cites a number of concerns about providing the subpoenaed documents to the Committee. You state in your response that "disclosure of information such as is contained in this report could significantly impede the Task Force's criminal investigation[.]" However, in this case, it appears that your own actions are far more prejudicial to the activities of the Task Force. The hopeless conflicts inherent in your continued investigation of these matters undermines public confidence in this investigation both within and outside of the Department. The bureaucratic infighting between those who think this would be handled by an outside counsel free of any political appointees' meddling must certainly have daily impact upon the investigation.

Both Mr. La Bella's and Mr. Freeh's memoranda already have been discussed extensively in the media. It is particularly troubling that the Department would give the media greater access to information the Department claims is sensitive than it would to elected Members of Congress charged with oversight responsibilities. Sunday's Washington Post reports additional troubling information which suggests you have not followed the appropriate procedures in having Mr. La Bella's report reviewed under the 30 day review process for new information.

Your letter also claims that the Freeh and La Bella memoranda rely heavily on grand jury information. First, as you acknowledge, the Committee's subpoena does not call for any grand jury information. Second, in our meeting on July 31, Director Freeh stated that 6(e) information was "a very small part" of both memoranda. In addition, you yourself, indicated that you have widely disseminated the La Bella memorandum throughout the Department, thus, increasing the likelihood that any "road map" to the investigation is widely known to many Department officials – including many political appointees.

The Committee is sensitive to the concerns raised in your letter, but this is an extraordinary case, and those concerns must yield to this Committee's legitimate oversight role. The Committee has already attempted to accommodate your concerns, and for seven months, has withheld from enforcing its earlier subpoena for Mr. Freeh's memorandum. But now, in light of the fact that Mr. La Bella has reached the same

conclusion as Mr. Freeh, this Committee must take action and assert its proper oversight functions.

More important than the issues you have cited is the concern of this Committee, and the American people at large, that you have disregarded the advice of your two most senior people working on the campaign finance investigation regarding both the facts of the case and the interpretation of the Independent Counsel statute. The Independent Counsel statute was designed explicitly because the Attorney General was perceived to have a potential conflict of interest in matters involving wrongdoing by high-level executive officials. In your own testimony supporting the reauthorization of the independent counsel statute in May 1993, you quoted Archibald Cox on the importance of the statute in order to avoid conflicting loyalties of political appointees:

> The pressure, the divided loyalty, are too much for any man, and as honorable and conscientious as any individual might be, the public could never feel entirely easy about the vigor and thoroughness with which the investigation was pursued. Some outside person is absolutely essential.

Upon reading that quote, you added, "Now, nearly two decades later, I could not state it more clearly, and it is this point that the Act's critics most often ignore." Now, it appears it is you who is ignoring this guidance.

It would be inconsistent with Congress' core oversight responsibilities to simply accept your assurances that you have adequately considered the recommendations of your advisors without looking beneath the surface of those assurances. Our investigation of the Department's nonfeasance in this case is consistent with Congress' oversight duties. In the past, precisely this kind of oversight has uncovered serious wrongdoing in the Department of Justice.

Moreover, while your letter is concerned with the policy arguments against complying with the Committee's subpoena, it fails to address the numerous precedents for the Committee's action. As I pointed out in our correspondence of December 1997, Congressional committees have often demanded and received precisely this type of information from the Department of Justice. In your letter to me dated December 8, 1997, you made the assertion that "[i]t is unprecedented for a Congressional committee to demand internal decisionmaking memoranda generated during an ongoing criminal investigation." This is simply inaccurate. There are a number of cases where Congressional committees have not only demanded, but also received exactly this type of information. In cases dating from the 1920s, Congressional committees have demanded and received investigative memoranda, records, and other documents relating to open investigations.

In one of the earliest examples of this type of request, in the Teapot Dome scandal, a Congressional committee demanded and received access to a wide range of DOJ materials, including prosecutorial memoranda regarding open cases. See McGrain

v. Daugherty, 273 U.S. 135, 151 (1927). A more recent example of similar Justice Department compliance with Congressional requests, was in the Iran-Contra matter, where the Department furnished investigating committees with DOJ investigative materials regarding an open investigation. See Report of the Congressional Committees Investigating the Iran-Contra Affair, H.R. Rep. No. 433 and S. Rep. No. 216, 100th Cong., 1st Sess. 310, 317, 314, 317-18, 647 (1987). In the Iran-Contra example, the Department even made a number of its top officials, including the Attorney General, available for depositions regarding the adequacy of its investigation. These two cases are representative of a number of cases, ranging from the Palmer Raids in the 1920s, to the Rocky Flats investigation, where Congressional committees have obtained internal decisionmaking material from the Department. The Committee's present request is consistent with these precedents, and this Committee deserves an equal degree of compliance with its request.

Therefore, I have considered and rejected all of the objections raised in your letter of July 28, 1998. As you have failed to provide the subpoenaed documents or assert a valid claim of privilege, I have recommended that the Committee continue to assert its constitutional oversight responsibilities in pursuing these matters.

Sincerely,

Dan Burton
Chairman

Office of the Attorney General
Washington, D.C. 20530

August 4, 1998

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

Dear Mr. Chairman:

After reviewing your letter of August 3 and the press statements by members of your staff over the weekend, it is clear that the Committee's primary focus is my decisionmaking on the question of the appointment of an independent counsel. That is why I called you this morning and requested an opportunity to be heard at the Committee's hearing.

In light of your rejection of my request to be heard, let me explain the points I would have made had you permitted me to testify this morning.

I greatly respect the system of checks and balances that our founding fathers established. They wisely assigned each branch of government a distinct and limited role. One of Congress's most important roles is to oversee the work of the Executive Branch in order to better carry out its legislative duties. Among our most important functions are prosecuting criminals, making sure innocent people are not charged, and punishing wrongdoing.

When there is disagreement between the branches, our task as public servants is to find solutions that permit both branches to do their jobs. That is why I offered to testify this morning and why Director Freeh and I came up to visit with you last week -- to try to reach an accommodation with the Committee which allows you to pursue your oversight responsibilities while minimizing any interference with our ongoing criminal investigation.

As you know, the Department of Justice is conducting an investigation into allegations of criminal activity surrounding the financing of the 1996 presidential election. That investigation has charged 11 persons, and is still very much ongoing. We have more leads to run down, more evidence to obtain and analyze, and more work to do. More than 120 dedicated prosecutors, agents and staff are working on this investigation every day. And many targets, suspects and defense lawyers are watching our every move, hoping for clues that will tip them off and help them escape the law's reach.

Mr. Chairman, you have demanded that I provide two memoranda to the Committee. One was written by Director Freeh last fall, the other by Mr. La Bella and Mr. DeSarno. We have reviewed your request very seriously. Our concerns are set forth in the letter Director Freeh and I sent to you on July 28.

Last week, Director Freeh and I again offered an accommodation that we believe protects both your oversight role and our prosecutorial responsibilities. We explained that this memo is extensive, that I need to review it carefully and thoroughly, and that when I finish my review, I may or may not decide to trigger the Independent Counsel Act. The Justice Department is willing to provide the leadership of the Committee with a confidential briefing on appropriate portions of the La Bella memorandum after I have had an opportunity to evaluate it fully, in approximately three weeks.

According to Director Freeh, these memoranda offer a road map to confidential, ongoing criminal investigations. Even excluding grand jury information -- which you are not seeking -- such documents lay out the thinking, theories and strategies of our prosecutors and investigators, and the strengths and weaknesses of our cases. They talk about leads that need further investigation, and places where we've reached dead ends. Criminals, targets and defense lawyers alike can all agree on one thing -- they would love to have a prosecutor's plans.

Mr. La Bella's memorandum provides an overview of the investigation at this time. I am reviewing it with an open mind. If I do make a decision to appoint an independent counsel after you have taken an internal memo still under review, how will anyone believe that my decision was independent -- as the law requires? Indeed, to provide this memorandum to the Committee would be a grave disservice to an independent counsel if one were appointed and could undermine his or her ability to carry out an effective criminal investigation.

There are sound public policy reasons as well as law enforcement reasons why we cannot provide this document to the Committee. Suppose, for example, a Congressional committee wants to stop us from prosecuting someone the committee supports. What's to stop the committee from threatening Department lawyers with contempt, forcing them to produce their internal memos and making them public to everyone including the defendant's legal team? To demand the prosecutor's documents while the case is in progress would irreversibly taint our principles of justice and could harm the reputations of innocent people or even place witnesses in danger of retaliation. Such policies also would subject every prosecution decision to second-guessing and accusations that Congressional pressure affected the Justice Department's decisionmaking.

Even when conducting vigorous oversight, Congress has respected the principle that law enforcement must be free from even the appearance of partisan political tampering. And the Justice Department has adhered to this position for the better part of a century, under presidents from Teddy Roosevelt to Ronald Reagan–and under FBI Directors from J. Edgar Hoover to Louis Freeh.

More than 50 years after they were written, I ask you to consider the words of Attorney General Robert H. Jackson, who later served on the Supreme Court:

> It is the position of the Department...that all investigative reports are confidential documents of the executive department of the government, to aid in the duty laid upon the President by the Constitution to "take care that the laws be faithfully executed," and that congressional or public access to them would not be in the public interest.

Twelve years ago, the head of the Justice Department's Legal Counsel during President Reagan's administration, Charles J. Cooper added other concerns, including:

> ...well founded fears that the perception of the integrity, impartiality, and fairness of the law enforcement process as a whole will be damaged if sensitive material is distributed beyond those persons necessarily involved in the investigation and prosecution process.

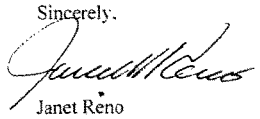
I know that you have cited several examples that you believe contradict these longstanding opinions. But we have analyzed your examples, and none of them deal with the demand you have made: to turn over law enforcement sensitive documents during a pending criminal investigation.

Mr. Chairman, we have worked very hard to respond to Congressional oversight requests. Since I became Attorney General, I and many other members of this Department have testified dozens of times, turned over thousands of documents, answered thousands of letters and provided countless briefings on matters large and small. As our campaign finance investigation has progressed, we have made every effort and taken extraordinary steps to accommodate your Committee's needs while protecting the integrity of the investigation. We have provided extensive testimony and briefings, including private briefings this winter about the contents of an internal memo by FBI Director Louis Freeh.

If future Attorneys General know that the innermost thinking behind their toughest law enforcement decisions will become fodder for partisan debate, then we risk creating a Justice Department and an FBI that tacks to political winds instead of following the facts and the law wherever they lead. If future law enforcement professionals cannot provide advice that is candid and confidential, we will have a government of "yes" men who advocate what is popular instead of what is right. And if future Congresses can poll the Attorney General's advisors or line attorneys in order to ferret out and promote opinions they approve of, then every controversial law enforcement decision will be tainted in the public's eyes. All of these concerns are most acute when Congress demands information and seeks to pressure me on a sensitive law enforcement matter that I have not yet made.

Given the importance of this matter, I would appreciate your including this letter in the hearing record. Thank you.

Sincerely,



Janet Reno

cc: The Honorable Henry Waxman
Ranking Minority Member

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BERNARD SANDERS, VERMONT
INDEPENDENT

August 5, 1998

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Dear General Reno:

As you know, I wrote to you on August 3, 1998, rejecting your objections to complying with the Committee's subpoena of July 24, 1998. I am writing to inform you that yesterday, the Committee adopted my letter of August 3 as its official position.

As the full Committee has now rejected all of your objections, I again urge you to comply with the Committee's subpoena. As I have explained previously, you have never raised any legally adequate basis for refusing to comply with the subpoena. All of your correspondence, including your letter of August 4, 1998, which was read into yesterday's hearing record by Representative Lantos, has raised a number of policy objections, all of which the Committee has now considered and rejected.

We are currently scheduled to consider the contempt citation against you in the Committee tomorrow. I hereby direct you to produce the subpoenaed documents before 10:00 a.m. tomorrow, at which time the Committee will consider the resolution.

Sincerely,

Dan Burton
Chairman

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BERNARD SANDERS, VERMONT
INDEPENDENT

August 13, 1998

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Dear General Reno:

I write to correct a misimpression that you and your staff appear to be laboring under. In conjunction with Representative Waxman, you suggest that the subpoena sent by the Committee on Government Reform and Oversight to obtain the Freeh and La Bella memoranda is directed at forcing you to appoint an Independent Counsel for campaign finance-related scandals. While it is certainly true that I have said on many occasions that I believe an Independent Counsel should be appointed, it is also true that I and a majority of the members of this Committee have serious concerns over your handling of this matter and issued the subpoena in order to review the memoranda of the two top officials who have recommended an Independent Counsel. Evidence is mounting that suggests your decisionmaking is subject either to unacceptable political considerations, or serious misreading of the law for inexplicable reasons. Therefore, it is incumbent on this Committee -- following its mandate to conduct oversight of your agency -- to investigate the Department of Justice's response to campaign finance crimes committed in the last two Presidential election cycles.

Because it appears that the Department's campaign finance decisionmaking has been deeply flawed, I have legitimate concerns that Congress should examine the decisionmaking process. With this in mind, the only way to determine whether an Attorney General has behaved improperly with respect to declining to appoint an Independent Counsel -- or in declining to prosecute any case -- is to evaluate the underlying deliberative memoranda and compare them with the final decision. There is simply no other way for Congress to perform its legitimate oversight role when it is addressing an issue of potential malfeasance.

In the campaign finance investigation, I have balanced your concerns -- and those of the Director of the FBI and Mr. La Bella -- against the oversight requirement that Congress be satisfied that the Department of Justice is being administered properly and that all matters are being decided free from inappropriate considerations. Proper administration of the law is the paramount concern of Congress, and in situations where it appears that there is misfeasance at the Department of Justice, Congress must step in. The following are a few examples that have led to my concern:

- In April, 1998, this Committee held hearings on conduit contributions made by the Castro family of Venezuela. In the course of our investigation, it became clear that a case supported by the New York District Attorney's office and individuals in the U.S. Attorneys office in Miami was taken over by your Public Integrity Section in Washington, D.C. Notwithstanding documentary evidence that a high-level Democratic contributor was involved in unlawful conduct in the 1992 election cycle, the Department failed to take action. Prosecutors from the Manhattan District Attorney's office testified that they were so frustrated with the Department's inaction that they even considered taking the Castro case back to prosecute it themselves. When your Department cannot bring a simple case such as the Castro/Intriago case, how can the public have confidence that complex cases will be handled appropriately? Furthermore, the prosecutor who failed to follow up on this case is Lee Radek, the head of the Public Integrity Section and reportedly an opponent of the appointment of an Independent Counsel. An exchange from this Committee's April, 1998, hearing between a Committee counsel and a prosecutor from the Manhattan District Attorney's office provides a clear example of the type of conduct that raises questions regarding the Department's ability to supervise the campaign finance cases:

  Q: Now, Mr. Preiss, did you try and have a conversation with Mr. Radek?
  A: Yes.
  Q: What was the result?
  A: I was not put through to him.
  Q: Now it's my understanding -- correct me if I'm wrong -- that you were told that Mr. Radek would not speak to anyone unless they had a referral number for the case, correct?
  A: That's correct.
  Q: And do you know whether Mr. Castro's lawyer had such a referral number?
  A: If he did, he didn't give it to me.
  Q: Did anybody ever give you a referral number for this case?
  A: No, I don't think we were ever given a referral number. I don't think anybody had a referral number. Maybe there was a referral number inside the Department of Justice, but, again I wouldn't be privy to that, so I don't know.
  Q: Right, but Mr. Castro's attorney was not an employee of the Department of Justice, so he had the same status as you.
  A: No he was not an employee of the Department of Justice.

Q: Okay. And I don't know whether this is a question you can answer or not, but were you concerned at the time that Mr. Castro's attorney was given more attentive treatment at the highest levels of the Department of Justice than you?

A: Well, I thought at the time, I think I said in the conversation that I couldn't understand why the defense attorney's phone call could be taken the day before, but mine couln't be and I was the prosecutor and he was the defense lawyer. I think that's what I said to the person who answered the phone. *See Attachment A.*

Given the clear problems associated with the failure at the Department to investigate Orlando Castro Llanes and Charles Intriago, I request that you make Assistant United States Attorney Richard Gregorie available to be interviewed by staff from this Committee. It is my belief that Mr. Gregorie will be able to shed some light on the facts known to the Department prior to the Public Integrity Section's decision to refrain from prosecuting this case.

- I believe that you attempted to mislead this Committee on at least one occasion. In a letter dated December 8, 1997, you stated: "It is unprecedented for a Congressional Committee to demand internal decisionmaking memoranda generated during an ongoing criminal investigation." *See Attachment B.* This false statement has been used publicly by Department of Justice spokespersons to discredit this Committee and make the current request for the La Bella and Freeh memoranda -- and the previous request for the Freeh memorandum -- seem unprecedented. Director Freeh testified on August 4, 1998, that there were examples of Congress asking for such memoranda and that this action was not unprecedented, but you have refused -- even though this matter has been pointed out to your staff -- to amend your representation. I believe there is no excuse to mislead Congress in search of a good soundbite, and it is troubling that such basic matters are subject to misrepresentation.

- One of your principal advisers has stated in official correspondence that: "We have concluded that the officials of the Clinton/Gore 1996 Reelection Campaign against whom allegations have been made [Terry McAuliffe and Laura Hartigan] are not "covered persons" within the meaning of the Independent Counsel Act." *See Attachment C -- Letter from Lee J. Radek to Bradley T. Raymond, November 4, 1997.* In a letter drafted less than four months later, Assistant Attorney General Andrew Fois took the following position: "DNC officials are not covered by the Act. . . . In contrast, the chairman and treasurer of the presidential campaign committee are covered." *See Attachment D -- Letter from Assistant Attorney General Andrew Fois to The Honorable Michael Pappas, February 25, 1998.* This conflicting interpretation raises grave concerns regarding the direction of the Campaign Task Force at the Department of Justice.

- Mr. Radek made the following statement on July 6, 1997: "Institutionally, the Independent Counsel statute is an insult. It's a clear enunciation by the legislative branch that we cannot be trusted on certain species of cases." *See Attachment E -- Lee A. Radek,*

The New York Times Magazine, July 6, 1997. Given Lee Radek's election to use the power and place of his office to belittle the Independent Counsel statute, it is hard to avoid the conclusion that the reason he feels no need to speak with the Director of the FBI and Charles La Bella about the La Bella memorandum is that his heart is not in enforcing the law. As Mr. La Bella and Director Freeh testified in our August 4, 1998, hearing, Mr. Radek is one of your key advisers on the Independent Counsel matter.

- In his testimony on August 4, 1998, Director Freeh stated that his memorandum makes the point that there has been an inconsistent application of the Independent Counsel statute. This is a matter of serious concern to this Committee, and the American people have the right to know whether you are treating all cases before you in an evenhanded manner. Again, even if you were to appoint an Independent Counsel tomorrow, that would not change the fact that you may have failed to act in an evenhanded manner. This Committee has a right to be informed of Mr. Freeh's concerns, and to come to its own conclusion as to whether this case has been handled appropriately.

- The testimony of both Mr. La Bella and Director Freeh made it very clear that both thought that the mandatory provision of the Independent Counsel statute had been triggered. Furthermore, they both indicated that you had failed to talk to Mr. La Bella about his own memorandum, that Director Freeh had not been asked for his views on the La Bella memorandum, that La Bella, Freeh and James Desarno had not been included in any meetings about the La Bella memorandum, and that Lee Radek has asked neither La Bella nor Freeh for their views on the La Bella memorandum. Given Mr. Radek's conclusion that senior members of the Clinton/Gore 1996 campaign were not covered by the Independent Counsel statute, and given his failure to act in the Intriago investigation, it is of concern that he did not seek to have an exchange with Mr. La Bella. This raises the question of whether your advisers are taking Mr. La Bella's arguments seriously.

  I find it extraordinary that both you and Mr. Radek failed to obtain the input of Mr. La Bella and Director Freeh as soon as the La Bella memorandum was distributed. Testifying last week, Mr. La Bella indicated the first thing he would do if he were looking at this case would be to talk to him [La Bella], and the second thing he would do would be to read the memorandum that he wrote.

- Mr. La Bella explained that he originally made three copies of his memorandum, and that he is now aware of nine additional copies having been made. Regardless of the extremely limited number of copies, *The Wall Street Journal* and the *The Washington Post* appear to be privy to confidential information contained in the La Bella memorandum. You, however, have failed to make a single statement about the damage done by your own Department. You speculate that the information that would be provided to the Committee members would be injurious to the investigation, while at the same time *The Wall Street Journal* discusses the focus of the La Bella memorandum on Harold Ickes. Director Freeh complimented the members of this Committee "on the way in which [we

have] handled very sensitive information, including briefings, which [included] classified materials." Based on recent leaks of sensitive information from your Department, it appears that you have more to be concerned about within your own house than within Congress.

- At our meeting on July 28, 1998, you asked for additional time to consider the La Bella memorandum. I was certainly concerned by what I perceived to be yet another delaying tactic. Upon reflection, however, I am concerned that you are attempting to avoid your legal obligation under the Independent Counsel statute. The statute requires that you determine whether there are grounds to investigate within 30 days of receiving specific information from a credible source. Mr. La Bella's information seems to fit that description. However, the thirty day review period does not seem to have been triggered until only recently if last week's news reports are accurate. Again, this is a matter of concern.

  Given Mr. Freeh's clear testimony that he was able to understand the points made in the La Bella memorandum, and given the clear testimony that La Bella, Freeh and Desarno have not even been consulted, these dilatory tactics are troublesome.

- Your recently-departed Deputy Chief of Staff, Kent Markus, was Chief of Staff at the Democratic National Committee at a time during which some of the conduct under investigation occurred. Has Mr. Markus been privy to any discussion or decisionmaking pertaining to any of the matters related to the Campaign Task Force's deliberations? Given the possible proximity of this individual to the deliberative process involving the refusal to appoint an Independent Counsel, I am concerned that you are oblivious to the appearance of conflict of interest that is the fundamental rationale for the Independent Counsel statute.

- Given your reliance on advice not to appoint an Independent Counsel, I am concerned that the advisers on whom you rely now have a vested interest in the status quo. Given the importance of this matter, it is human nature that your advisers would be reluctant to have an Independent Counsel review their work product and come to different conclusions. That you would allow those under you to be placed in this position is another troubling aspect of this investigation.

- It should not be forgotten that for much of your professional career you have been an elected Democratic politician, and your recent conduct raises a number of issues. On the morning of Tuesday, August 4, 1998, you informed me that you would like an opportunity to testify at the scheduled hearing. Aside from the fact that you had many days to make this request and only provided 15 minutes notice, it appears that you discussed this request with Minority members prior to making the request of the Chairman of the Committee. It also appears that the media were contacted prior to your telephone call to me. Following this chain of events, you provided a lengthy letter to the

Minority to be read into the record. This letter was never transmitted directly from the Department of Justice to either myself or to any other Majority member, and given the length and complexity of the letter, it does not appear that it was drafted after your telephone conversation with me, but rather before.

Suffice it to say that something appears to be very wrong at the Department of Justice. Last week, at a press conference, you made the following statement: "The Department cannot do its duty if it is subjected to a process that can only shake public confidence in our ability to make law enforcement decisions free from political pressure." This sounds perilously close to an argument that you are above the law and that you are above scrutiny. As has been observed by many across the ideological spectrum, it is you who has politicized this process by failing to understand the obvious conflicts inherent in investigating your own boss. It is precisely this type of situation that resulted in the original push for an Independent Counsel statute.

For this reason, my request for the Freeh and La Bella memoranda is directed at coming to an informed conclusion as to whether there should be additional scrutiny of conduct at the Department of Justice regarding its performance during the campaign finance investigation.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: Hon. Henry A. Waxman

VENEZUELAN MONEY AND THE PRESIDENTIAL ELECTION

HEARING

BEFORE THE

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTH CONGRESS

SECOND SESSION

APRIL 30, 1998

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after the case was taken from the Florida prosecutors and lodged at the Department of Justice. Is that correct?

Mr. PREISS. That's correct. That's what Mr. Castro's lawyer told me.

Mr. WILSON. And we're speaking of Mr. Lee Radek, who is the head of the Public Integrity Section.

Mr. PREISS. That's who he told me he spoke to.

Mr. WILSON. Now, Mr. Preiss, did you try and have a conversation with Mr. Radek?

Mr. PREISS. Yes.

Mr. WILSON. What was the result?

Mr. PREISS. I was not put through to him.

Mr. WILSON. Now it's my understanding—correct me if I'm wrong—that you were told that Mr. Radek would not speak to anyone unless they had a referral number for the case, correct?

Mr. PREISS. That's correct.

Mr. WILSON. And do you know whether Mr. Castro's lawyer had such a referral number?

Mr. PREISS. If he did, he didn't give it to me.

Mr. WILSON. Did anybody ever give you a referral number for this case?

Mr. PREISS. No, I don't think we were ever given a referral number. I don't think anybody had a referral number. Maybe there was a referral number inside the Department of Justice, but, again, I wouldn't be privy to that, so I don't know.

Mr. WILSON. Right, but Mr. Castro's attorney was not an employee of the Department of Justice, so he had the same status as you.

Mr. PREISS. No, he was not an employee of the Department of Justice.

Mr. WILSON. OK. And I don't know whether this is a question you can answer or not, but were you concerned at the time that Mr. Castro's attorney was given more attentive treatment at the highest levels of the Department of Justice than you?

Mr. PREISS. Well, I thought that. At the time, I think I said in the conversation that I couldn't understand why the defense attorney's phone call could be taken the day before, but mine couldn't be, and I was the prosecutor and he was the defense lawyer. I think that's what I said to the person who answered the phone.

Mr. WILSON. Fair enough; I think that speaks for itself. I'll finish my first 20 minutes now with one other question. Mr. Preiss, or Mr. Dawson, do you know whether any of the Castro family attorneys—and bear in mind for anybody watching today that there were three Castro family members who were under investigation and ultimately convicted—do you know whether any of the Castro family attorneys, such as Judge Tyler in New York, were given meetings at the Department of Justice prior to the decision to drop the case?

Mr. DAWSON. That is a very difficult question to answer depending on how you limit the time. Are you talking back in 1988, 1990, 1992, or are you talking between the time of the conviction and the time of the sentencing?

Mr. WILSON. Actually, just limit it from the time of the conviction until the time Mr. Radek wrote a letter addressed to Mr. Preiss.

Office of the Attorney General
Washington, D. C. 20530

December 8, 1997

Honorable Dan Burton
Chairman
Committee on Government
Reform and Oversight
House of Representatives
Washington, D.C. 20515
Dear Mr. Chairman:

We are writing in response to your December 5th letter and subpoenas seeking a copy of the Director's recent memorandum to the Attorney General. The memorandum expresses the Director's views about whether the Attorney General should request the appointment of an independent counsel and about other matters relating to the pending campaign finance investigation.

We remain quite concerned that releasing the Director's memorandum to Congress would compromise the Department's ability to discharge its responsibilities for the fair administration of justice. As a general matter, we feel strongly that the Attorney General's decisionmaking on prosecutorial matters must have the benefit of candid and confidential advice and recommendations from the Director and other Department officials and employees. More specifically, we believe that both the integrity of the criminal justice process and the Government's ability to prevail in particular prosecutions could be threatened by acceding to the Committee's demand.

Public and judicial confidence in the criminal justice process would be undermined by congressional intrusion into an ongoing criminal investigation. Access to the confidential details of an ongoing investigation would place Members of Congress in a position to exert pressure or attempt to influence the prosecution of specific cases, irreparably damaging enforcement efforts.

Moreover, the disclosure of this memorandum could provide a "road map" of our investigation. The document, or information contained therein, could come into the possession of the targets

of the investigation through inadvertence or deliberate act on the part of someone having access to the documents. The investigation could thereby be seriously prejudiced by the revelation of the direction of the investigation or information about the evidence we possess. In addition, the reputation of individuals mentioned in a document like this could be severely damaged by the public release of information about them, even though the case might ultimately not warrant prosecution.

Finally, the Department has reviewed the precedents cited in your letter and in the accompanying Congressional Research Service memorandum. It is unprecedented for a Congressional committee to demand internal decisionmaking memoranda generated during an ongoing criminal investigation. None of the cited examples are to the contrary. In particular, the three prior matters that you highlighted in your letter did not involve ongoing criminal investigations and, therefore, are not relevant precedents.

We have decided for the foregoing reasons that we must respectfully continue to decline your request for the memorandum. We will be prepared at tomorrow's Committee hearing to respond to your questions to the fullest extent we can, consistent with our law enforcement responsibilities. We are hopeful that our participation in the hearing will respond to your concerns. If questions remain after the hearing, we would be willing to discuss them further in a manner that properly accommodates both legislative and executive branch interests.

Sincerely,

Janet Reno
Attorney General

Louis J. Freeh, Director
Federal Bureau of Investigation

cc: The Honorable Henry A. Waxman
Ranking Minority Member

U. S. Department of Justice

Washington, D.C. 20530

NOV 0 4 1997

Mr. Bradley T. Raymond
Finkel, Whitefield, Selik, Raymond,
Ferrara & Feldman, P.C.
32300 Northwestern Highway, Suite 200
Farmington Hills, MI 48334-1567

Dear Mr. Raymond:

This is in response to your September 12 and October 6, 1997 letters to United States Attorney General Reno. Your letters were referred to the Public Integrity Section of the Department of Justice, which is the part of the Criminal Division responsible for the investigation and prosecution of corrupt public officials, and for evaluation of the application of the Independent Counsel Act.

We have carefully assessed the application of the Independent Counsel Act to the allegations of misconduct by officials of the Democratic National Committee and the International Brotherhood of Teamsters which you referred. We have concluded that the officials of the Clinton/Gore 1996 Reelection Campaign against whom allegations have been made are not "covered persons" within the meaning of the Independent Counsel Act. As such, at this time there is no basis for the appointment of an Independent Counsel in this matter.

As the press articles you enclose make clear, this matter is being thoroughly investigated. The United States Attorney's Office for the Southern District of New York is handling the federal investigation, and any additional information you have which might assist in clarifying the issues involved in that investigation should be directed to that office, or to the Federal Bureau of Investigation.

We appreciate your interest in this matter, and thank you for whatever cooperation you are able to provide to the federal investigation.

Sincerely,

Lee J. Radek
Chief
Public Integrity Section
Criminal Division

cc: (with enclosures)
The Honorable Mary Jo White
United States Attorney

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 25, 1998

The Honorable Michael Pappas
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Pappas:

This letter responds to the questions you posed to the Attorney General at the oversight hearing concerning the Department's conclusion that individuals involved in an ongoing investigation being conducted by the United States Attorney's Office for the Southern District of New York are not covered by the Independent Counsel Act.

Some individuals whose names have surfaced with respect to various aspects of that matter are connected to the Democratic National Committee (DNC) or the 1996 Clinton/Gore Reelection Campaign Committee. The Department has reviewed the status of individuals identified to date in connection with that investigation and has concluded that none are covered persons under the Act.

DNC officials are not covered by the Act. See, 28 U.S.C. § 591. In contrast, the chairman and treasurer of the presidential campaign committee are covered, 28 U.S.C. § 591(b)(6), as are other campaign "officers" who "exercise authority at the national level." When a campaign staffer is involved in a criminal investigation, the Department is required to conduct an intensive inquiry into his or her title, role and function in the campaign in order to determine coverage. In the case of the individuals involved in the Teamster matter mentioned by you, an examination of their roles and responsibilities led to the conclusion that they were not "officers" within the established meaning of that word, or did not "exercise authority at the national level," and thus were not covered persons under the Act.

I hope this information is of assistance to you. Thank you for your interest in this matter, and if I can be of any further assistance with respect to this or any other matter, do not hesitate to contact me.

Sincerely,

Andrew Fois
Assistant Attorney General

cc: The Honorable Dan Burton
Chairman
Committee on Government Reform and Oversight

The Honorable Henry A. Waxman
Ranking Minority Member
Committee on Government Reform and Oversight

What Is Janet Reno Thinking?

The Attorney General is at her happiest and best outside the Beltway, but time and again she has been forced to investigate alleged wrongdoings in her boss's Administration. Now, with calls to appoint a special prosecutor to explore campaign finance, she faces her most agonizing decision - and a threat to her own reputation. **By Jeffrey Goldberg**

IN MAY 1993, THE CLINTON WHITE HOUSE SENT JANET RENO TO THE Senate in order to call for the reinstatement of a law, the independent counsel statute, that Reno's predecessor as Attorney General, the Bush appointee William Barr, had tried enthusiastically to kill. The statute, which allows for the appointment of an independent prosecutor in cases of high-level executive-branch wrongdoing, had long been anathema to Republicans, who felt it was used as a nightstick against them during the Reagan and Bush years. The Democrats, of course, had grown quite fond of the statute, which was drawn up in the wake of Watergate, and hoped to revive it.

"Bernie Nussbaum came to see me during the transition," Barr said recently, referring to Clinton's first White House counsel. "I told him, don't breathe new life into the statute. As a Republican, I said, nothing would please me more than seeing you guys live under it. As an American, I think it makes life in the executive branch miserable. But he said that the President and he were committed to run an Administration at the highest ethical standards" — Nussbaum denies that this exchange took place — "and I said, be my guest."

Jeffrey Goldberg is a contributing writer for the Magazine. His most recent article, on Southern Baptists' attempts to convert Jews, appeared in March.

It fell to Reno, then in her third month as the nation's top law enforcement official, to make the case for the reauthorization, and she did so with alacrity. "It is absolutely essential for the public, in the process of the criminal justice system, to have confidence in the system," Reno told the Senate Governmental Affairs Committee, "and you cannot do that when there is conflict or an appearance of conflict in the person who is, in effect, the chief prosecutor." The statute was soon reauthorized by Congress.

Four years later, Reno finds herself in an unhappy predicament. During Clinton's first term she was quite liberal in the use of the statute, asking for independent prosecutors to investigate Mike Espy, then Secretary of Agriculture; Henry Cisneros, then Housing and Urban Development Secretary; Ron Brown, then Commerce Secretary; and, at the President's public urging, the Whitewater affair. But now, several months into her second term as Attorney General — a second term that, by some accounts, the President granted her only with great reluctance — she is under considerable pressure to seek the appointment of yet another independent prosecutor to investigate yet another Clinton scandal, the fund-raising practices of the President's re-election campaign.

The President has expressed no desire to see an independent counsel appointed to investigate the charge that he knowingly and flagrantly violated campaign finance laws, and Reno has been, in the eyes of most Repub-

PHOTOGRAPH BY RALPH MECKE FOR THE NEW YORK TIMES

licans, many editorial writers and even some Democrats, suspiciously agreeable. House Speaker Newt Gingrich has compared Reno to the felonious Nixon Attorney General, John Mitchell, and asked if she were "the protector of the President or the enforcer of the law." (Washington being Washington, Gingrich made these statements even as he was tidying up his own ethics mess.) Janet Reno has been called many unkind things during her four tumultuous years as Attorney General — unfit to lead, myopic, unintelligent and, more frequently, too odd for Washington. But her integrity has never been seriously challenged, until now.

That the attacks on Reno's integrity stem from a case involving the alleged misdeeds of others may seem paradoxical, but so is the nature of the job. The Attorney General is the President's loyal aide when forging policy on issues of crime and justice, yet she is also responsible for enforcing Federal law as head of the Justice Department, even as those laws apply to the Administration she works for.

There is something paradoxical, too, in the new, intensified relationship Reno has with the President. She is a woman who came to Washington and immediately found herself relegated to the outermost circle of Clinton advisers. Now she has moved to center stage — not because of policy matters but because of the alleged sins of the White House she works for.

The campaign finance scandal — Senate hearings on which are scheduled to begin this week — comes at an unfortunate moment for Reno, because it has obscured the fact that she finally seems comfortable in her job, and is in it for the duration, despite the early-stage Parkinson's disease that now afflicts her. If she had the personality of a Rudolph Giuliani (or a Bill Clinton), she would be seizing credit for the dramatic dip in national crime rates — not rightfully, necessarily, though she would certainly be blamed if crime were going up. Moreover, her department has scored some high-profile prosecutorial victories, most recently in the case of Timothy McVeigh. And though hers is a largely symbolic generalship, she has had significant success from the bully pulpit, preaching about volunteerism and early childhood development and greatly expanding the rhetorical possibilities of the office — imagine Dick Thornburgh, or for that matter John Mitchell, making "deadbeat dads" into a policy centerpiece, or talking up the importance of prenatal care as a key to crime prevention.

Such advocacy has helped secure respect for her outside Washington. This reputation partly explains why she has felt no need to defend herself against the charge, inside the Beltway, that she's protecting the President. She has explained, apparently to her own satisfaction, the reasons she thinks it unnecessary to remove a Justice Department task force from the investigation of campaign fund-raising and hand it over to an independent counsel. In a letter she sent in April to the chairman of the Senate Judiciary Committee, the Utah Republican Orrin Hatch, Reno maintained she would need "specific and credible" evidence that a person covered by the statute — one of about two dozen high Administration officials, including the President — may have committed a crime and, barring that, she wrote that she would remove herself from the investigation only if she concluded that "there is a potential for an actual conflict of interest, rather than merely an appearance of a conflict of interest." The fact that she had once advocated the independent counsel statute as necessary precisely because even the appearance of a conflict of interest can undermine confidence in the system presented still another paradox, at least to those who are now convinced Washington has finally got to Reno.

SINCE THE RELEASE OF THE LETTER TO HATCH, RENO HAS IT-teered barely a newsworthy word on campaign finance, even as it has continued to rivet the capital. Reno is not the most forthcoming high official, in any case. Her weekly news briefing is a fascinating ritual in which she invites reporters to ask her anything they want and then manages to say nothing at all. Nor is this just a problem she has at the office. Even her close friend Walter Dellinger, the acting Solicitor General, acknowledges, "She is not the easiest person to chat up."

This is not to say that she is ungracious. She is courtly and solicitous, quite the opposite of the crazed Amazon portrayed on the "Saturday Night Live" skit "Janet Reno's Dance Party." She is, however, as tall as "Saturday Night Live" would have her.

'There is tremendous pressure on her,' Senator Orrin Hatch said recently. 'She knows she



In his pocket" Reno's critics claim that she is protecting the President, but she and Clinton have never been very close. They meet here with Bill Lann Lee, an Assistant Attorney General.

In her office at the Justice Department one morning not long ago, she smiled serenely when the subject of the independent counsel statute was raised. Did she still support the statute as written?

"I think it's best while this issue is pending not to comment," she replied.

I then read aloud her comment to the Senate committee in 1993 about the necessity to trigger the statute even when there is the mere appearance of a conflict of interest. Did she still stand by this language?

"I think Congress has tried to address it," she said, carefully, "because in a situation with respect to a covered person, Congress has in effect

PHOTOGRAPH BY STEPHEN CROWLEY/THE NEW YORK TIMES

said what it thinks is the scope of an appearance of conflict, and then gives an additional part to it, and as I have said, I have not found specific and credible evidence with respect to a covered person."

I tried again, asking if the alleged campaign finance abuses might fit into the category of an appearance of conflict of interest. I mentioned the memos written by Harold Ickes, the former White House deputy chief of staff, that detail the President's hands-on involvement in using "soft money" that may have then been used not for Democratic Party matters but, illegally, for Clinton's campaign advertising.

"It's very important when you look to make sure you don't jump to conclusions," Reno replied. "I think Congress said, Here are the covered people. I think it is generally correct where whether there is a conflict or not, there may be by the relationship an appearance and then you have got to look at everything and make sure that you're judging on facts and not innuendo and that's what we're trying to do."

I then asked her to define the word "appearance."

"I think you have to take every case on a case-by-case basis and look at the evidence," she said.

the more obfuscatory members of the D.C. bar. Nowhere was this more in evidence than at a Senate Judiciary Committee oversight hearing at the end of April, shortly after Reno rejected, for the fourth time, calls for her to seek the appointment of an independent counsel to look into the President's '96 campaign. One question at the center of the controversy is whether the Clinton campaign erased the line between soft money and hard money. So-called soft money is raised, without limits, for the ostensible purpose of "party building." "Hard" money, on which limits are placed, is raised to elect candidates. Soft money may be spent to create "issues advocacy" advertisements, which are meant to educate voters, but it cannot be spent on "express advocacy" advertisements, which are designed to win votes for political candidates.

Deep into the afternoon session of the hearing, Reno was asked a seemingly simple question by the Pennsylvania Republican Arlen Specter, a former prosecutor who knows how to handle a witness. Specter first read to Reno the text of a television advertisement from last year's campaign, which states, in part: "Head Start, student loans, toxic cleanup, extra police, anti-drug programs. Dole-Gingrich wanted them

...ves this Administration and **she knows that the President gave her this opportunity.'**

I asked again if she stood by her 1993 statement on the appearance of conflict.

"Mmm-hmmm," she affirmed, barely.

Having hit a 6-foot-2 stone wall, I tried a bit of indirection.

"Is it true," I asked, "that you are Janet, Queen of the Bunny Planet?"

Reno laughed — guffawed, really, and said, "It's a wonderful children's book, isn't it?" Two weeks before, Jamie Gorelick, who was Deputy Attorney General during Reno's first term, had mentioned that Reno is especially enamored of a children's book series called "Voyage to the Bunny Planet." It tells stories of little boy and girl bunnies who, having terrible, miserable days, dream of a place "far beyond the moon and stars, 20 light years south of Mars," where "spins the gentle Bunny Planet, and the Bunny Queen is Janet." Queen Janet then takes the little bunnies on a tour of the day as it should be.

Gorelick, the mother of two small children, introduced the Attorney General to the Bunny Planet series, and Reno now reads the books during ...y hours at a Washington elementary school she has "adopted."

...mong Reno's aides, the Bunny Planet has become a running gag, but Gorelick sees deeper meaning in Reno's attraction to the character of Queen Janet. "It's not a joke," says Gorelick, who is now an official at the Federal National Mortgage Association. "It's not just the similarity of the names. The Bunny Queen tries to make the world a better place for kids. It's really her vision of a better world for children."

Reno admitted that her goal is to make the world a little better place, but waved off Gorelick's analysis. "It's just the magic of the words," she said.

Still, Gorelick may be on to something. Reno is among the Administration's foremost advocates for children, a surprising role for the chief Federal law enforcement officer to adopt. She is also an advocate for volunteerism, and drug treatment on demand, and gives speeches that could just as easily be delivered by a Surgeon General rather than an Attorney General. It is her populist oratory, her unusual willingness to accept blame and her reputation for straight talk when she is speaking with citizens groups or law enforcement people — she possesses naturally what every congenitally inauthentic politician yearns for, sincerity and plain-spokenness — that has made her a figure of great appeal, at least outside Washington.

But here's the mystery. Throughout the independent counsel controversy, Janet Reno, the straight-talking prosecutor from the Everglades, has been contorting and bending her words in ways that would do proud

cut. ... Dole-Gingrich: deadlock, gridlock, shutdowns. The President's plan: finish the job, balance the budget, reform welfare, cut taxes, protect Medicare. President Clinton gets it done."

Specter then asked the Attorney General the following question: "Could that possibly be language, taken as a whole, that says anything other than urge the election expressly of President Clinton?"

It seemed clear enough that the advertisement was designed not to educate the voting public about, say, the dangers of toxic waste. Here is how Reno saw it, however:

"I think it is important again to consider the whole framework by which we have to judge that and the fact that the elections commission is in place to look at these decisions, to look at the message, to render advisory commission opinions. At this point the whole area is so murky, we cannot find clear and specific and credible evidence that the law has been violated."

Specter: "Well, Attorney General Reno, if that is express advocacy the law has been violated. So the question is: Can you say to us that it is your legal judgment that that is not express advocacy?"

Reno: "Based on the processes that have been established by the Department of Justice, the MOU" — memorandum of understanding — "with the elections commission, this is a situation in which we would not find specific and credible evidence that a crime had been committed that would justify triggering the statute."

After the hearing, I asked Specter what he thought of Reno's answer.

"I do not want to use the word gobbledygook," he said, by way of using the word gobbledygook. "But it was unintelligible."

Was she intentionally unintelligible?

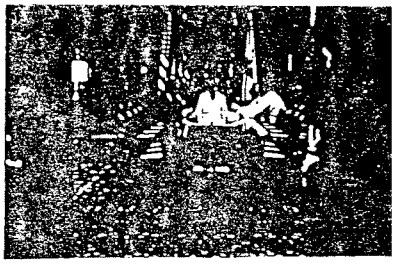
"I do not want to impugn motives," he said.

Later, in her office, I asked Reno about her answers to Specter.

"What the issue there is that it was one of the most complicated issues," she said. "As he asked that particular question — that's an easy question to answer, or could be, but in terms of the law it's a much more complicated issue, and so I may have not been as articulate as I could have been. And also, just the context of that oversight hearing on soft-money issues, hard-money issues — it is one of the most difficult areas I have to deal with."

But how would she have ill served the American people if she had simply said that the ad sounded like a campaign ad for Bill Clinton?

"Because," she answered, "I did have to go back and describe what the Federal Election Commission has done and go into details and again,



Reno with the Justice attorneys (above), who may be the real key to her actions on campaign finance. They are (at right): Lee Radek, Laura Ingersoll, Paul Fishman and Mark Richard.

...s what we're trying to do in terms of responding to everybody. Just ...ll out so they can understand the whole history."

Earlier, Reno's chief of staff, a straight-talking ex-Miami prosecutor ...med John Hogan, had told me that, when it comes to Federal election ... by being plain-spoken you can mislead." He went on to say, "Any ... phrases they talk about can be overdefined," and then immedi... wistfully, noted the looking-glass quality of his observation.

... I mentioned Hogan's statement to Reno, she said that he "has a ...nt." She added, "One of the things I have tried my level best to do is ...hen I'm confronted with a major issue I've got to explain — I say, 'Go ...h somebody to put that in plain English.' This one is very, very difficult ...explain."

But, I asked, "if the American people can't understand the system, and ...e system can't be explained, is something then rotten with system?"

I immediately realized my mistake. Bluntness was not going to be easily forgiven.

"I'm not going to comment because you're using inflammatory lan...uage," she said, "and that probably gives us a good point to say that this ...a pending matter and I shall not comment."

THE QUESTION THAT GOES UNASKED IS THIS: WHY WOULD Reno, who presumably values her reputation for straight talk and integrity, contort her words and evade questions, all the while bringing down scorn on her head, when she has the discretionary power to ask, this very second, for an independent counsel?

There are any number of answers to that question. Hers, of course, is that she is exactly right on the law, even if she has been suddenly dispossessed of her ability to explain herself plainly. Another possible answer is that she is using her office to protect the President.

If Janet Reno were a close friend of President Clinton, say, in a relationship like that between Ronald Reagan and Edwin Meese, the pressure on her to trigger the statute would have long ago grown unbearable. But because it is well known that she is not close to the President, she can still seem credible when she decides against triggering the statute. In other words, she provides the President cover by not providing him with cover.

But that is much different than accusing Reno of engaging in a Watergate-...cover-up. To borrow language from the independent counsel debate, there is no specific and credible evidence that Reno agreed to stonewall Congress on appointing an independent counsel in exchange for a second term as Attorney General. There are important Republicans who do maintain, however, that she is not wholly immune to pressure from the White House.

"There is tremendous pressure on her," Senator Hatch told me. "She knows she serves this Administration and she knows that the President gave her this opportunity. There should be a natural tendency for her to want to protect the President."

But Reno never promised to protect the President. According to John Hogan, Reno's chief of staff, the President told Reno when he was first interviewing her for the job in early 1993 that he'd heard she was not a "team player." Hogan recalls that Reno told the President that she would be a fine team player, unless he did anything "illegal or unethical." The President, Hogan says, laughed out loud at her answer and appointed her later, a testament to either his desperation, his true innocence or a level of political sophistication so sublime that he could predict that Reno's reputation for independence would one day provide him with political cover.

Reno didn't provide much cover early on. At one point during Clinton's first term, 3 of the other 13 Cabinet members Reno would meet at Cabinet meetings were under investigation by independent counsels she had requested, and she gained the enmity of much of the White House staff for creating the appearance of an Administration drowning in scandal. Particularly critical were those working to get Clinton re-elected last year.

"The last thing she cared about was whether Clinton was re-elected or not," Dick Morris, the President's former political strategist, told me. He then inadvertently paid Reno a compliment: "Sometimes I thought she didn't realize she would lose her job if Clinton lost."

Reno is, of course, the accidental Attorney General. The Clintons (Hillary played an active role in Justice Department staffing) had decided to name a woman to the job, but their first choice, Zoë Baird, and then their second, Kimba Wood, were done in by what became known as "Nannygate." Reno, a self-described "old maid," had no problems with immigrant domestics and taxes, and that's mainly what interested the White House.

"I called the President and said, 'Here's somebody who won't have these personal difficulties,' " says Senator Bob Graham, the Florida Democrat who attended Harvard Law School with Reno and who is also a friend of Clinton's. "She is single, yes, but Janet is just a very careful person in her personal life, particularly in regard to her standards of conduct."

Last thing she cared about was whether Clinton was re-elected or not,' Dick Morris

What also comforted the White House was that she was the only one of the three original candidates to have been vetted by voters, who had returned her repeatedly to the top prosecutor's job in Dade County.

Reno did not have any easy go of it during the first term. Along with the independent counsel investigations of other Cabinet members, there was the debacle at Waco, the worst moment of her career, in which, trusting the deeply flawed advice of the F.B.I., she ordered the gas attack on the Branch Davidians, which led members of the cult to set fire to their compound, resulting in the deaths of an estimated 80 people. And there was the perception in the White House that she was more social worker than prosecutor. Even today, the social-worker epithet rankles Reno. This is the woman, after all, who was the chief prosecutor in Dade County during its "Miami Vice" heyday. "I've probably asked for the death penalty far more often than people who call me a social worker," she told me. John Hogan, her chief of staff, is more explicit: "I don't know how many people Dick Morris has ever sent to the electric chair."

Morris, who attacks Reno in his memoir for trying to block many of President Clinton's crime initiatives, seems to have misinterpreted Reno's record. In truth she has been, as she promised the President, the model of an Administration team player on issues of policy. She has abandoned, or at least shelved, many of her liberal beliefs, in order to support Clinton's get-

20 PHOTOGRAPHS BY STEPHEN CROWLEY/THE NEW YORK TIMES

ugh approach to crime. Early in the term, she was critical of mandatory minimum sentencing for nonviolent drug offenders, but she soon learned the White House game plan: never expose Clinton's right flank on crime.

"I think anybody who is going to function in government has to realize you can't get everything you want," Reno says.

Friends say this has been difficult for her. Talbot D'Alemberte, a former president of the American Bar Association and Reno's mentor, says, "I've taken some grief from friends about the way things are going on some policy." He clearly counts himself as one of those friends. "I think some of the policies I've seen are silly," he says. "I'm not a fan of the death penalty, and adding new death penalties contributes nothing. . . . I'm really sorry that the Administration has not picked up Janet's rhetoric on programs that can prevent crime."

It is an open secret that crime policy, which has traditionally been set at the Justice Department, was taken over by the White House staff, under



the direction of Rahm Emanuel, now the President's senior adviser. "Her willingness to have us develop policy is a sign of strength, not weakness," Emanuel says. Despite her deference to the White House on most issues of policy, Reno has never become a friend, or even much of a sounding board, for the President.

"I doubt the two of them ever met alone in the two years I was at the White House," Morris says. "He felt she was outside his Administration, almost kind of an auditor. He was very critical of her. It was almost like dealing with a foreign country."

Unlike other Cabinet members, including her friend Donna Shalala, the master networker who runs the Department of Health and Human Services, Reno seldom if ever drops by the White House in the early evening to work the halls, or have coffee with the President.

"She and the President have respect for each other, but for whatever reason, they've never been able to develop the kind of personal relationship that other Presidents had with their Attorneys General," says John Schmidt, who served during Clinton's first term as Associate Attorney General and is now a candidate for governor in Illinois.

There is another aspect, insiders say, to Reno's problems within the Administration, one she shares with other senior Administration women.

"I do think women have a slightly tougher time at the upper levels because the men assume that the women don't understand politics," Shalala says. "It took me a very long time to make the White House understand that. The White House has at least caught up with me." Shalala recalled parties given by senior Administration women during the first term at which the talk turned to sexism. "I can't say to you that Reno was telling the stories," Shalala said. "But she wasn't in the corner, and she giggled along with everybody else."

Shortly after Clinton won re-election last November, articles began appearing that suggested that the President would rather start the new term with a new Attorney General. On different occasions, the President was presented with the opportunity to say kind things about Reno, and didn't. Reno doesn't respond to subtlety, however. She stated publicly her desire to stay, which would have forced the White House to very publicly remove her. But at the same time, when leaders of national police and law-enforcement groups called up offering their lobbying help to keep Reno in the job — she has developed quite a constituency among national policing groups — she told her aides to decline all help. "She said, 'The President has a right to make his decision without pressure,'" one aide, Nicholas Gess, the director of intergovernmental affairs, said.

When I asked Reno how she felt about the pressures during the transition period, and about the unkind talk that had apparently been emanating from the White House, she said she just "chuckled about it." And from the White House now, all is butter. "Janet Reno, outside of Madeleine Albright, is one of the most respected officials in America," Rahm Emanuel says magnanimously. "She is highly respected here." Emanuel has not always been so sweetly complimentary of Reno. Justice Department officials say. When asked if he has ever been critical of the Attorney General, he replied, "There hasn't been a single Cabinet officer in history about whom someone in the White House hasn't said, 'God-dammit, what's going on there?'"

What exactly transpired between Clinton and Reno as his second term began no one can or will say. The President would not discuss it. All he would say, in a written statement, is: "Janet Reno is an invaluable asset to my Administration. As Attorney General, she has exhibited the highest standards of integrity and professionalism, a deep understanding of the needs of law enforcement and a personal commitment to our nation's young people. She is an integral part of my Administration's efforts to fight crime, improve our juvenile justice system and protect our environment."

'Sometimes I thought she didn't realize she would lose her job if Clinton lost.'

Those who know Reno best are convinced that she remains her own person. "The thing about Janet is that if she discovers evidence adverse to the President, she won't hesitate to use it," D'Alemberte says. "I doubt the President feels very protected by her."

SO IF SHE'S NOT PROTECTING HER PRESIDENT, THEN WHY DOES SHE have such a difficult time explaining her decision? Her critics say it is because her position is defensible only in the most narrow, overly legalistic terms. Her defenders, however, say that by its nature, Federal election law is arcane and confusing.

"I think you ought to give a prize to anyone who can succinctly and plainly explain the Federal campaign and contribution laws," says Benjamin Civiletti, who served as Attorney General under Jimmy Carter.

Just because Reno can't explain herself, in other words, doesn't mean her decision not to trigger the statute is wrong. What might be happening now, Justice Department officials say, is that the complexity and confusion of the case — and of the statute — is causing people to throw up their hands and call for an independent counsel to straighten everything out.

But Lee Radek, the chief of the Justice Department's public integrity section and the man overseeing the campaign fi- *Continued on page 39*

RENO
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nance investigation, says, "Nowhere in the statute does it say you can have an independent counsel because it's all a big mess."

Radek says that Reno has guidelines to follow when considering whether to take the investigation away from him and turn it over to an independent counsel. "In order to trigger, no matter what, you've got to have a specific and credible allegation that a person has committed a crime," Radek explained. "Now you look at two questions. Is he a covered person? If he is, then you go for an independent counsel. But if he isn't a covered person, then you look to see if there is a conflict of interest. If there's a conflict of interest, then the Attorney General has the discretion to trigger the statute."

A key question is whether the Clinton campaign, under the direct coordination and control of the President, the most important covered person, knowingly flouted the laws governing campaign spending by turning the Democratic National Committee, a party organization, into a soft-money collection-and-advertising front for the campaign. The President's critics hold that money raised by Clinton during those famous "coffees" at the White House was funneled, in the main and illegally, to the D.N.C. Justice Department officials say privately that the violations of election law the President is alleged to have committed are of the type never prosecuted criminally, if only because the regulations are, in effect, a patchwork of laws and court orders that sometimes contradict one another.

"Frequently when the Federal Election Commission tries to regulate something, the courts say they've gone too far, under the First Amendment," says Robert S. Litt, a Deputy Assistant Attorney General in the criminal division.

The real crime, some officials say, is that election law is loophole-filled and invites abuse by unscrupulous campaigns. Even if the President directed the spending of soft money for hard-money purposes, the argument goes, it is not at all clear that any law has been broken. "The law in this area is complicated and in flux," Litt said.

No it isn't, says Reno's first Deputy Attorney General, Philip Heymann, now a professor at Harvard Law School. He says, in essence, that the Justice Department is buying into a fiction scripted by the White House — that is, just because you call it soft money doesn't make it soft money.

"They maintain that whatever money is paid into the D.N.C. is automatically soft money," he said. "But the people who donate it plainly intend to give it to the President because they want his approval, so if the President raises the money and puts it in my bank account with the understanding that he has a right to control it and spend it, then it's not my money at all, but his. What the Justice Department is saying is that candidates can always avoid the law by this most easy of charades. I want them to say this is a violation of the Federal Election Campaign Act, and if they don't want to treat it as criminal, let them stand up and say that."

RENO'S RELUCTANCE to appoint an independent counsel may have nothing to do with the White House and everything to do with her loyalty to her investigators inside the Justice Department. They maintain they can do the job, and what she is essentially doing, as some see it, is giving them the chance. When Reno arrived in Washington, she arrived without friends, without a cadre of aides to install all along the fifth floor corridor at Main Justice. She had joined the Administration relatively late, and the White House had already stacked the halls with its own people — Webster Hubbell as Associate Attorney General, for one. Reno forged friendships, though, among the ranks of the career prosecutors. And especially because the department is currently to be left of top political appointees — the criminal division, under which the campaign finance investigation is being run, has been without a permanent head for nearly two years — she has listened to the career people, and the career people want to investigate campaign fund-raising.

"She's doing this because the career people, every which way short of sophistry, are trying to keep the case," Joseph diGenova says. He is a former U.S. Attorney, a Republican who was independent counsel in the Bush passport affair. "I do not believe for one moment that Reno or anybody in the department is motivated to protect the President. They are in this to show that the career people can do it, and she backs them."

Radek, a bluff, cheerful man of 54, was unwilling to discuss details of the ongoing investigation when I spoke to him, but he was happy to defend the Justice Department's ability to investigate the executive branch. The independent counsel law has always felt like a knife in the back to top Justice Department professionals like him. "Institutionally, the independent counsel statute is an insult," Radek said. "It's a clear enunciation by the legislative branch that we cannot be trusted on certain species of cases."

But Radek also denied that Reno is reflexively beholden to the career prosecutors. "She does not always do what the career people tell her to do," he said. "There is nothing passive about the way she makes decisions. It is to discouraging to see her excoriated for doing what she always does, which is call it as she sees it." Radek went on to say that the independent counsel statute places his prosecutors in a no-win situation. "If we do very well in our investigation, we have to turn the case over to an independent counsel. If we don't find anything, then we're criticized for not making the case.

"The fact is, through the history of the public integrity section, and its observation of and consultation with U.S. Attorneys, I've never seen a problem with a prosecution going easy on the party of the administration in power," he added. "In fact, the opposite is often true — prosecutors are motivated to go the extra mile. They're often more strict with the incumbent administration to avoid the appearance of favoritism."

Over and over again in the halls of the Justice Department, career prosecutors — and political appointees, too — point to the conviction of Representative Dan Rostenkowski three years ago on corruption charges as proof the department will prosecute without political interference. At the time of his conviction, Rostenkowski was a key figure in the effort by the Clinton Administration to move its health care package through Congress, and Republicans feared that the Clinton Justice Department would go easy on Rostenkowski in order to assure that he remained as chairman of the House Ways and Means Committee. Newt Gingrich, then the House minority whip, said at the time he worried that there would be "some kind of rigged deal where 15 or 20 felony counts magically get reduced to a misdemeanor to allow him to stay in charge of health care."

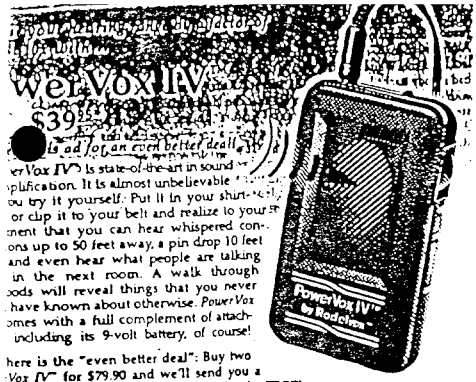
That didn't happen; Rostenkowski was indicted on multiple felony counts, and is now in jail, and the Clinton health care initiative failed. And what happened to Eric Holder, the U.S. attorney for the District of Columbia, who brought the case against Rostenkowski? At this writing, he is the Administration's nominee to replace Jamie Gorelick as Deputy Attorney General, the No. 2 position at Justice.

The Rostenkowski case should confirm to the world, Justice officials say, that the Department is fully capable, in theory, of handling the investigation into campaign fund-raising, even if it reaches all the way to the top, and that Clinton should not take undue comfort in the fact that the investigation is still in the hands of the Justice Department.

"An independent counsel would almost be a better break than what Clinton's going to get from the career Justice people," Dick Morris says. "There's a fetish for independence that is manifested there."

Morris's views are not widely shared in the White House, though. Most of the President's advisers would still rather have the investigation in the hands of the Justice Department, if only because Federal prosecutors under Reno will not end the case by declaiming from the Federal courthouse steps about the corrupt nature of the entire fund-raising process. The Justice Department prosecutors might very well bring the exact same charges in the matter that an independent counsel would bring, but they are bound by rules of discretion that simply do not bind a wildly ambitious or highly partisan independent counsel.

FEW PEOPLE IN WASHington, even those partisans who wield the independent counsel statute like a club, profess to like it. Critics say the politicized and public nature of the statute has made the appointment of independent counsels tantamount to in-



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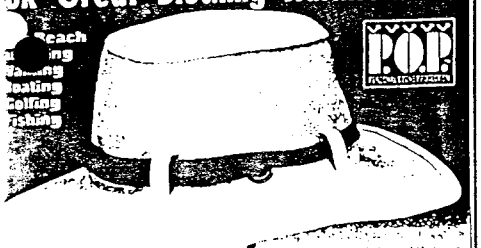

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dictment. "When an independent counsel is appointed now, the whole presumption of guilt shifts," says Lloyd Cutler, former White House counsel to Presidents Carter and Clinton.

Others argue that there is something inherently unfair when a prosecutor is handed unlimited time and unlimited resources to investigate a single individual. "Too much unreviewable power in the hands of a prosecutor is a dangerous thing," says Joseph diGenova, who led a three-year independent counsel investigation into accusations that Bush Administration officials rifled State Department passport files for incriminating information on Bill Clinton. "To only have one case to work on is a dangerous thing, because when a prosecutor has an array of cases, there is a kind of Darwinian case selection." In other words, prosecutors drop weaker cases in favor of stronger ones. "That doesn't come into play with an independent counsel because of the single-natured purpose of the statute," diGenova says.

That said, by diGenova's reading, the campaign finance mess does qualify for an independent counsel. "It is a miserable statute, but it's the law," he says. "If there's ever a case that qualifies for an independent counsel, it's this one."

ALL THIS BANGING just makes her more stubborn," says Talbot D'Alemberte. "Just look at the way her jaw line sets."

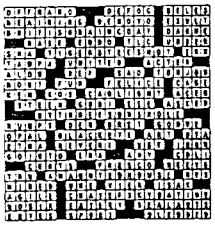
If it is true that Reno's reluctance to trigger the independent counsel statute has made her look bad, at least to some, it is also true that few officials in Washington care less about spin than Reno. "There's a feeling that we're getting her into trouble with the press and with Congress," Radek says. "But to her great credit, she never brings that up. It doesn't concern her."

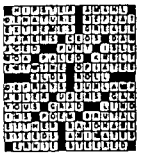
Tom Fiedler, the political editor of The Miami Herald who has reported about her since the 1970's, said re-

Continued on page 48

ANSWERS TO PUZZLES

OF JUNE 29, 1997





RENO

Continued from page 40

cently: "Washington is a culture that values responding to consensus. You can't be stiff-necked. You have to shed responsibility and bend to the prevailing winds. People in Washington get frustrated with her because she's supposed to bend to their whims. . . . The harder you push, the more dug in she'll get."

This is behavior that is seen as odd in compromise-driven Washington, but wouldn't necessarily be understood as such anywhere else. Reno never goes off the record with reporters; she never dishes Cabinet gossip; she stands awkwardly, and often alone, at the few receptions she attends.

"I don't think she cares about Washington," says Rahm Emanuel, who does. "She might have one of the world's greatest poker faces, but I really don't think she cares."

To hear Reno tell it, she has never much cared what people think about her, ever since she was a gangly girl at her first cotillion in Miami. "I was 5-11½ when I was 11 years old and I had to go to cotillion when I was 12," she recalled. "Our cotillion teacher was a wonderful, wonderful lady. She was my P.E. teacher in elementary school and she was incredible — she taught me how to shoot baskets.

"But she was basically a dance teacher. I can remember walking into cotillion and young men coming to my waist, and I guess I felt a little bit like an odd duck. And Mrs. Nowakowski was 5-8 and a very striking woman, and as I would slump, she would make me stand up straight. And after I had two years of cotillion, I think after that I never felt like an odd duck again, that I always had the capacity to look out from me and have the sense —." She stops suddenly.

"She was a wonderful person. She died about a year or so ago, and they read a letter that I wrote to her —." Reno stops, choking up, and begins crying behind her big, square glasses.

"She made you feel like you were special," she went on. "When I won my first election, she sent me a note that just said, 'Attagirl.' . . . I think I've always felt kind of awkward and knobby-kneed, and as my mother said, knock-kneed, and I've oftentimes felt like I was all arms and legs, but after Mrs. Nowakowski, it didn't bother me."

The point of the story, of course, is that not much has bothered her since. Reno is often described as the most inner-directed official in Washington, which is why she seems at peace, even though it could reasonably be assumed that in some respects she is a lonely woman. And decisions on such questions as the independent counsel statutes could certainly be lonely ones.

When I asked her once what she liked about Washington, the conversation turned to her solitary pursuits — her exploration by canoe of wetlands, her long walks down the towpath of the C&O Canal. "A lot of the people that I've come to regard as friends for the rest of my life are centered around the Department of Justice, and one of the ways I keep my perspective on things is to have breaks from what I do all day long," she says. "What I enjoy doing is not going to socialize with people on a casual basis. It's not relaxing."

HER OBSTINACY, AND HER aloneness, separate her from Washington. They keep her from playing Washington games, but they also might keep her from responding to reasonable opinion and advice, especially when that opinion and advice comes from Capitol Hill or the press. It is a theory Senator Hatch has considered. Having failed to change Reno's mind so far on the independent counsel matter, Hatch is "moving to give her a little bit of leeway here," he told me recently. "She doesn't want to appear that she's caving into Congress. I want to give her a little room."

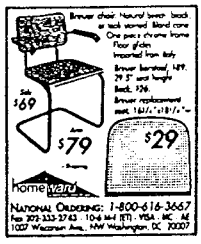
Reno has spoken movingly about how important it is for the public to have faith in the justice system. Yet this faith is being tested each time a new revelation about Clinton's campaign fund-raising emerges, and each time Reno responds by refusing requests to ask for an independent counsel. And this faith is tested, whether she likes it or not, not just by conflicts of interest, but also by the simple appearance of a conflict.

There has been little sign of a shift in her thinking. Her prosecutors have constructed a narrow argument against triggering the statute, and she continues, at increasing cost to her reputation and to that of the Justice Department, to defend it. "There's a lot of sniping at her that she isn't a hands-on administrator, that she's a terrible Attorney General," says William Barr, her Republican predecessor. "I say, hands-on, shmands-on, that's a nice thing. But aren't you looking for an Attorney General who will do the right thing? I think she has acted with integrity, until now."

To her way of thinking, Reno is doing the right thing, and the presumably believes that she, and her reputation, will prevail. But when the Senate hearings on campaign finance commence, the belief that Reno is protecting the President may well harden, and spread beyond the Beltway. If that happens, she is likely to confront just how alone an official can be. ■

SHOPPING AT HOME



















U.S. Department of Justice

Office of the Deputy Attorney General

The Deputy Attorney General

Washington, D.C. 20530

AUG 20 1998

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

Dear Mr. Chairman:

This is in response to your letter of May 19, 1998, to the Commissioner of the Immigration and Naturalization Service (INS), Doris Meissner requesting INS records pertaining to Thomas Bernhard Kramer and Catherine Burda Kramer. Enclosed please find the records that you requested. The public disclosure of the documents we have provided you ordinarily would be prohibited by the Privacy Act, but we are providing them to the Committee in response to its oversight requests. See 5 U.S.C. § 552a(b)(9). Out of a concern for the privacy of the individuals mentioned in these documents and the sensitive nature of the information involved, we request that the Committee confer with us prior to disseminating any of this material outside of the Committee.

Please do not hesitate to contact me if I may provide you with additional information.

Sincerely

L. Anthony Sutin
Acting Assistant Attorney General

Enclosures

cc: The Honorable Henry Waxman
Ranking Minority Member

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THOMAS H. ALLEN, MAINE
HAROLD E. FORD, JR., TENNESSEE

BERNARD SANDERS, VERMONT
INDEPENDENT

August 24, 1998

The Honorable Janet Reno
U.S. Department of Justice
10th and Constitution Avenue, N.W.
Washington, D.C. 20530

Dear General Reno:

This morning your Office of Legislative Affairs staff called my staff to ask for a meeting to provide a staff briefing on the La Bella memorandum. This proposed briefing was to be conducted by two of your subordinates from the Justice Department and the FBI. This is the first contact we have had from your staff since the committee's contempt vote on August 6, 1998.

As you know, we proceeded with the contempt proceedings earlier this month due to your failure to turn over the La Bella and Freeh memoranda which were subpoenaed by the committee on July 24, 1998. It was the strong feeling of the majority of committee members that it was important that they have an opportunity to review the documents. The members committed to reviewing the documents in a confidential manner in executive session.

The offer this morning to brief staff on the La Bella memorandum is yet another disingenuous offer to avoid complying with the committee's subpoena and legitimate oversight needs. It is clear that staff would have very limited authority to provide very limited information; a majority of the committee members have already rejected your offer of such a limited briefing as insufficient for our oversight needs. Furthermore, as I stated above, it is very important that the members of the committee have the documents directly provided to them. In addition, as I stated throughout this process and most recently to you in my letter of August 13, 1998, (see attached) there are numerous concerns that the committee has regarding how the Department has conducted the campaign finance investigation as well as how you have misconstrued the independent counsel statute in this matter.

Recent reports indicating that you are considering appointing an independent counsel with a much narrower scope than was recommended by the FBI Director and Mr. La Bella continue to raise concerns about your misreading of the statute and possible misfeasance in conducting this investigation. For you to do less than what is required by law under the independent counsel statute would be a dereliction of your responsibility.

The Committee will continue to insist upon its right to have compliance with our subpoena to you of July 24, 1998. In order to appropriately conduct our oversight role it is important that all of our members have the opportunity to review the La Bella and Freeh memoranda. I would look forward to your compliance with the committee's subpoena.

Sincerely,



Dan Burton
Chairman

DAN BURTON, INDIANA
CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
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ONE HUNDRED FIFTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

MAJORITY (202) 225–5074
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BERNARD SANDERS, VERMONT
INDEPENDENT

August 24, 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 regarding your proposal to issue a subpoena for the deposition of Ernest Green.

The Committee deposed Mr. Green last December 17 for nine hours. He had previously testified before the Senate Governmental Affairs Committee on July 18, 1997, for almost eight hours. Virtually all 17 hours of Mr. Green's testimony to the House and Senate concerned Mr. Green's business relationship with Charlie Trie. Notwithstanding this extensive testimony, your staff apparently wants to ask Mr. Green more questions about his business relationship with Charlie Trie.

I do not believe you or your staff have provided an adequate justification for this additional imposition on Mr. Green, who is a well-respected businessman and civil rights leader. I therefore request that before you issue the subpoena to Mr. Green, you explain the reasons you have for forcing Mr. Green to appear for additional questioning and why these reasons are compelling enough to warrant subjecting Mr. Green to the burden of a third day of questioning.

Under the document protocol, I am entitled to request a meeting of the working group to consider the proposed subpoena. I propose that you allow me to reserve this right pending my review of your explanation for the subpoena. If this is not acceptable, I ask that the working group be convened to consider this matter.

Sincerely,

Henry A. Waxman
Ranking Minority Member

cc: Members of the Committee on Government Reform and Oversight

DAN BURTON, INDIANA
CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
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House of Representatives

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BERNARD SANDERS, VERMONT
INDEPENDENT

August 25, 1998

The Honorable Janet Reno
U.S. Department of Justice
10th and Constitution, N.W.
Washington, D.C. 20530

Dear General Reno:

Once again, I write to respond to the continued misrepresentations that your staff have disseminated. Yesterday your press spokesman claimed that turning over the La Bella and Freeh memorandum subpoenaed by the committee would be "unprecedented political tampering with prosecution decisions that must remain above politics."

As you and your spokesman must know by now, in our hearing on August 4, 1998, Director Freeh testified that he recognized that our subpoena for these documents was *not* unprecedented. Thus, in our hearing Director Freeh corrected the misrepresentation made in a letter you sent the committee on December 8, 1997, in which you stated: "It is unprecedented for a Congressional Committee to demand internal decision making memoranda generated during an ongoing criminal investigation." As the committee's contempt report outlined, this is not an unprecedented action and there have been no valid legal challenges to the committee's subpoena. You also are well aware that the subpoena allows for grand jury 6(e) information to be redacted and the memoranda would be reviewed in executive session. The only valid claim you could make to withhold the subpoenaed records would be a valid executive privilege claim asserted by the President -- an option which most clearly highlights the hopeless conflicts which you continue to have by overseeing the investigation of these matters.

The constant misrepresentations by you and your spokesman that the committee's action is "unprecedented" is yet another example of *your* politicization of this process. I want to make clear that this committee is not attempting to politicize this investigation; we are engaging in our proper oversight role. This committee is attempting to make sure that the Justice Department is not politicizing this investigation. You have already acknowledged that senior aides such as

Robert Litt -- a Clinton/Gore 96 contributor -- is a key adviser to you on these matters. Indeed, until recently, your Deputy Chief of Staff, Kent Marcus, was a former Chief of Staff of the Democratic National Committee, a primary organization under investigation. The independent counsel statute was designed to ensure that investigations of the President's allies are conducted free of political influence. Just as Congress had a legitimate oversight role in reviewing the investigation of the Iran-Contra matter, Congress has a legitimate oversight purpose in reviewing your failure to appoint an independent counsel despite the recommendations of the FBI Director and Mr. La Bella that the law requires you to do so.

During the Iran-Contra investigation, Congress deposed numerous high ranking Justice Department officials such as Attorney General Edwin Meese and Assistant Attorney General Charles Cooper and others about their role in overseeing the Iran-Contra investigation. Attorney General Meese, as well as other top Justice Department officials turned over notes, calendars and schedules of their meetings. Our subpoena is far less intrusive into the decision-making process than the actions of congressional investigators in the Iran-Contra case. While your spokesmen claimed the support of former Attorneys General in your position on policy grounds, you know that there are former Attorneys General who are supportive of the committee's action and no one contends the legality of this action.

Despite the clear recommendations of the FBI Director and the Chief Prosecutor Charles La Bella that the law requires that the mandatory section of the independent counsel statute be triggered in the campaign finance investigation, and despite Mr. La Bella's view that you are not applying the independent counsel statute evenhandedly, you continue to insist upon overseeing an investigation which includes investigating the White House and your own boss. Perhaps we should not be surprised since your own former Deputy Attorney General Phil Heymann once observed: "I served in seven administrations, and I've never seen the [Justice] department so dominated in the policy realm by the White House." However, as FBI Director Freeh testified, his memo recommending an independent counsel focused on a core group of individuals that included the President and the Vice-President:

Q: Does the core group include the President and Vice-President?
A: Yes sir.

To quote Director Freeh, "It is difficult to imagine a more compelling situation for appointing an independent counsel."

While I understand we have our differences on policy matters in this case, it does not serve this debate well to continue to misrepresent the law and the facts.

Sincerely,

Dan Burton
Chairman

DAN BURTON, INDIANA
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ONE HUNDRED FIFTH CONGRESS

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BERNARD SANDERS, VERMONT
INDEPENDENT

August 27, 1998

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Dear Attorney General Reno:

On December 8, 1997, you made the following statement:

> It is unprecedented for a Congressional committee to demand internal decisionmaking memoranda generated during an ongoing criminal investigation.

Although this statement was clearly a misrepresentation of fact, I initially dismissed it as political posturing. More recently, however, you and your spokesmen have repeated the substance of this statement, and I have become concerned that you and your staff have embarked on a conscious decision to mislead Congress and the American people. Given the recent reports that you have decided to commence a ninety day review period for a narrow sliver of the campaign finance scandal, it is becoming increasingly more obvious that you are protecting the President, the Vice President and Congressional members of your own party from the possible negative political impact of yet another Independent Counsel. Your misrepresentations over matters such as whether Congress has ever asked for material from an ongoing criminal investigation is consistent with this conclusion, as is your inexplicable rejection of the recommendations of Director Freeh, former task force leader Charles La Bella and James Desarno.

As I stated directly to you in a letter dated August 13, 1998, "I believe there is no excuse to mislead Congress in search of a good soundbite." *(Attached)* Furthermore, it is wrong -- and illegal -- to mislead Congress. Simply because you have embarked on a political campaign to

justify your decision to withhold the Freeh and La Bella memoranda from Congressional scrutiny, it is unacceptable to misrepresent facts in order to gain public support. If you do purposefully misrepresent material facts, as you and your staff have consistently done, it is only to be expected that many will fairly conclude that you are acting in a purely political manner.

On July 28, 1998, my staff met with Assistant Attorney General Anthony Sutin and another member of his staff. At that time, the representation of December 8, 1997, was brought to their attention. Indeed, it was brought to your direct attention in the August 13, 1998, letter. Director of the FBI Freeh testified before this Committee on August 4, 1998, and he also noted that it was *not* unprecedented to make such a request. Thus, I am puzzled by your continuing pattern of misrepresentations on this subject.

While I respect the principled arguments made by you, Director Freeh, and others regarding the importance of prosecutorial secrecy, I believe that it is unacceptable to misrepresent facts in order to make a political argument. But for our very real concern that there has been misfeasance at the Department of Justice, this Committee would never have sought the Freeh and La Bella memoranda in the first place. As my letter of August 13, 1998, makes abundantly clear, however, this Committee does have serious concerns with the manner in which you have applied the Independent Counsel statute to the facts of the campaign finance scandal of the last few years. When Charles La Bella, your own handpicked task force leader, tells you that the statute makes the appointment of an Independent Counsel mandatory, and when he tells you that he believes you have been uneven in your application of the statute, the need for Congressional oversight is triggered. That is why we are where we are.

Over the past few weeks I have heard you state on a number of occasions that you have no qualms about appointing Independent Counsels in the abstract, and you point to the fact that you have indeed appointed a number of Independent Counsels during your tenure as Attorney General. I am reminded, however, of a prosecutor who has applied a law numerous times when the consequences are not close to home and then avoids prosecution when a member of his family is involved. Would it be right in that situation for the prosecutor to simply say 'How dare you question my motive given the fact that I have brought charges in other situations?' The fact of the matter is that you have been an elected Democratic official, you owe your position to a Democratic President, you have a number of political appointees advising you, and *this* Independent Counsel decision has potentially grave consequences for the political party to which you belong (as, in fact it may do to the political party to which I belong). You, and a number of your staff, have clear conflicts of interest, and it is a logical irrelevance to point to all the times that you have applied the law. This is underscored by the fact that Mr. La Bella has argued that you are *not* applying the Independent Counsel statute consistently. Thus, I take exception to the fact that you attempt to deflect attention from this decision by pointing to other decisions, particularly when those decisions -- like the one before you today -- were mandated by law.

With all this as a backdrop, you and your spokesmen have continued your campaign to insist that this Committee has made a request that has never before been made by any other

Congressional committee. Such naked politicization makes a mockery of the facts, as we have pointed out numerous times. Congress has frequently sought access to decisionmaking memoranda from ongoing criminal investigations, and here are but a few examples:

- Representative Charles Schumer's staff was permitted to read the prosecutor's memorandum while the BNL investigation was ongoing. Representative Jack Brooks' staff was also permitted to review the BNL prosecutor's memorandum and to review underlying documents.

- Senator Paul Simon was permitted to read the underlying Office of Legal Counsel justification for the capture of the defendant in the ongoing criminal case involving the murder of DEA agent Camarena. An offer to review the same material was made to members of the House of Representatives.

- Senator Kerry was permitted to review prosecutors' memoranda from the ongoing BCCI case.

- During the Iran-Contra investigation, Congress *deposed,* among others, former-Attorney General Meese and former Assistant Attorney General Charles J. Cooper. In addition, Congress asked for, and obtained, calendars, schedules and hand-written notes.

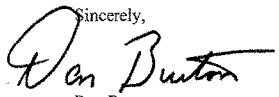
- Examples ranging from the Palmer Raids and Teapot Dome to Iran-Contra and Rocky Flats show that there is a sixty year history of congressional oversight of Department of Justice decisionmaking, and that this oversight has involved numerous *requests* for internal decisionmaking memoranda, and numerous examples of *compliance* with these requests.

Under normal circumstances, I would take your December 8, 1997, representation as regrettable hyperbole. There are, however, serious questions as to whether undue political considerations have been brought to bear on the decision to appoint an Independent Counsel to investigate campaign finance abuses. Debate on this matter should be above the political fray and should be based on fact and the law. It is difficult enough for Congress to satisfy its legitimate oversight responsibilities without Executive Branch officials misrepresenting facts. Your efforts to mislead members of Congress, and the American people, over whether the request for the Freeh and La Bella memoranda was "unprecedented" is beneath the dignity of your office.

In conclusion, it is my belief that the conflict you face is insurmountable. If you are not prepared to do what the Independent Counsel statute commands you to do, you should at least consider the institutional integrity of the Department of Justice. It would be dereliction of duty of the highest order if you fail to appoint immediately an Independent Counsel with a broad mandate to investigate the fundraising abuses of the recent national elections.

To do anything else, and to continue to make specious arguments such as the one about the unprecedented nature of this Committee's attempt to exercise legitimate oversight authority, would be confirmation that you are acting to protect the President and the Vice President.

Sincerely,



Dan Burton
Chairman

cc: Hon. Henry A. Waxman
David A. Vicinanzo, Esq.

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

August 28, 1998

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

Dear Mr. Chairman:

This confirms the conversations between our staffs this past week regarding the Committee's interest in disclosing the transcript of your deposition of Mr. Kent La. As we have advised Committee staff, the Department objects to the disclosure of the transcript or its contents because we believe that any such disclosure at this time would jeopardize our pending criminal investigation relating to Mr. La.

In accordance with our agreement with the Committee, the transcript was reviewed by a designated Department attorney who is not assigned to the Campaign Financing Task Force, Mr. Jon Rusch. This agreement is memorialized in our letter to you, dated April 22, 1998, and your letter to Acting Assistant Attorney General Mark Richard, dated July 28, 1998. Mr. Rusch has concluded that the disclosure of the transcript or its contents at this time would compromise the pending criminal investigation. He also concluded that we cannot elaborate upon the reasons for his judgment without similarly jeopardizing the investigation and violating Rule 6(e) of the Federal Rules of Criminal Procedure, which pertains to matters occurring before a grand jury.

We regret that we cannot provide additional information to the Committee at this time. We will advise you further if progress in our investigation changes our ability to inform the Committee about this matter. Please do not hesitate to contact me if we can provide additional assistance regarding this or any other matter.

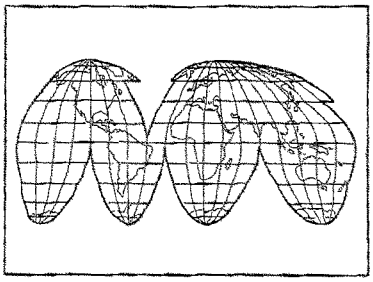
Sincerely,

L. Anthony Sutin
Acting Assistant Attorney General

cc: Honorable Henry Waxman
Ranking Minority Member

09/08/98 17:44 ☎202 [redacted] EONS ☑001

U.S. DEPARTMENT OF JUSTICE
WASHINGTON, D.C.



DATE:

TO: *Arne Christenson*
[redacted]

Steve Elmendorf/Josh Ackil
[redacted]

Barbara Comstock/Jim Wilson
[redacted]

Phil Barnett/Ken Ballen
[redacted]

Jack Cobb
[redacted]

FROM: *Craig Iscoe*
Associate Deputy
Attorney General

MESSAGE: *The notification regarding an investigation under the IC Act that was unsealed this afternoon is attached.*

(TOTAL NUMBER OF PAGES INCLUDING THIS) 6

VOICE: (202) 514-3052

TELEFAX: (202) [redacted] *or (202)* [redacted]
For Secure Fax, call (202) [redacted] *and ask the person who answers to enable the Secure Fax machine.*

Continue 001

In re WILLIAM JEFFERSON CLINTON)
) No.
)

NOTIFICATION TO THE COURT PURSUANT TO 28 U.S.C. § 592(a)
OF THE INITIATION OF A PRELIMINARY INVESTIGATION

In accordance with the Independent Counsel Reauthorization Act of 1994, I hereby notify the Special Division of the Court that on this date I have commenced a preliminary investigation pursuant to 28 U.S.C. § 592(a)(1) involving President of the United States William Jefferson Clinton concerning political advertisements during the 1996 election cycle.

Respectfully submitted,

Janet Reno
Attorney General of the United States

DATED: Sept. 8, 1998

U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

SEP 15 1998

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

Dear Mr. Chairman:

This letter is in response to your letter to the Attorney General in which you urge the Department to investigate promptly allegations that a United States-based organization has been raising funds on behalf of a designated foreign terrorist organization and providing assistance to the families of terrorist suicide bombers in the Middle East. I apologize for the delay in our response.

Beginning in September 1997, the United States has been involved in bilateral discussions with high ranking officials of the State of Israel concerning the possibility that one or more United States-based organizations may be providing material support or resources to one or more designated foreign terrorist organizations in violation of the Antiterrorism and Effective Death Penalty Act of 1996. In December 1997, and in March and June 1998, delegations from the United States Department of Justice met with Israeli officials concerning the availability of evidence to prove that material support has been provided by United States-based individuals or organizations . This bilateral effort is continuing. To the extent we are able to develop the requisite evidence of material support relating to any of the 30 designated foreign terrorist organizations, appropriate prosecutive action will be taken.

I hope this information is helpful. We are sending similar responses to the other Members who joined in your letter. If we can be of further assistance on this or any other matter, please do not hesitate to contact me.

Sincerely,

L. Anthony Sutin
Acting Assistant Attorney General

cc: The Honorable Henry A. Waxman
Ranking Minority Member

DAN BURTON, INDIANA
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
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COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

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BERNARD SANDERS, VERMONT
INDEPENDENT

September 16, 1998

The Honorable Janet Reno
Attorney General of the United States
U.S. Department of Justice
10th and Constitution, N.W.
Washington, D.C. 20530

Dear General Reno:

As you know, earlier this month I met with you along with Chairman Hatch, Chairman Hyde and the ranking members of our respective committees to review redacted copies of the La Bella and Freeh memoranda. Since that meeting I have had a number of discussions with our committee members as well as the House leadership regarding this matter.

The committee members have requested that the following six majority members be provided the opportunity to review the same redacted copy that I reviewed earlier this month:

Rep. Robert Barr
Rep. Christopher Cox
Rep. Stephen Horn
Rep. Steven LaTourette
Rep. John Shadegg
Rep. Christopher Shays

In addition to the above, I would expect a number of minority members would also want to participate.

Our members would appreciate having the La Bella and Freeh memoranda made available to these members for their review tomorrow, Thursday, September 17, 1998. Thank you for your prompt attention to this matter.

Sincerely,

Dan Burton
Chairman

cc: Rep. Henry Waxman

Office of the Attorney General
Washington, D.C. 20530

September 18, 1998

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

Dear Mr. Chairman:

I am writing to follow up on my telephone conversation with you and Congressman Waxman yesterday.

I want to assure you that I stand ready and willing to do whatever I can to enable the Committee to fulfill its oversight responsibilities. My ability to do so is limited only by my responsibility to protect the integrity of the Department's decisionmaking processes in the ongoing campaign finance investigations and prosecutions and in future matters. These responsibilities exist regardless of whether these matters are ultimately handled by the Department or an independent counsel. As you know, the Department has a longstanding policy of restricting access to open law enforcement files, a policy that has been followed by Administrations from Theodore Roosevelt through Ronald Reagan to the present.

In the weeks since the Committee issued its subpoena for the internal memoranda prepared by Director Freeh and former Campaign Financing Task Force supervising attorney Charles La Bella, the Department has made extraordinary efforts to find a solution that honors both the Committee's oversight needs and the Department's law enforcement responsibilities.

Last December, Director Freeh and I testified at length before the Committee. We arranged for our staffs to provide a confidential briefing about the contents of the memorandum from Director Freeh. Director Freeh and I met with you and Congressman Waxman on July 28. You and I, as well as our staffs, have discussed these issues on other occasions. Director Freeh, Mr. La Bella and Mr. DeSarno testified before your Committee at length on August 4. The

The Honorable Dan Burton
September 18, 1998

Department provided you, Mr. Waxman and the leadership of the House and Senate Judiciary Committees with a confidential briefing on September 2. Joining me in the briefing were Deputy Attorney General Eric Holder, Assistant Attorney General for the Criminal Division James K. Robinson, Messrs. La Bella and DeSarno, and Public Integrity Chief Lee Radek. At that briefing, the Members present and senior staff had an opportunity to review the memoranda demanded in your subpoena, as redacted under the direction of Director Freeh and Mr. La Bella to remove material that we are prohibited from disclosing by Rule 6(e) of the Federal Rules of Criminal Procedure (as your subpoena permits). We provided your Committee staff with an additional opportunity to review the redacted memoranda and, on September 8, two members of your staff again spent several hours reviewing them. Yesterday, I reiterated the willingness I expressed on several prior occasions to appear before the Committee at any time to be questioned about the decisions that I have made under the Independent Counsel Act.

The redactions of the memoranda have substantially reduced the risk of harm to the investigations that would have resulted from disclosure of the factual and evidentiary material that they contain. However, the redacted memoranda still constitute the confidential advice of Department employees on issues arising during an ongoing criminal matter. As Director Freeh and I stated in our letter of July 28, 1998, I, and all future Attorneys General, must have the benefit of the candid, confidential written advice and recommendations in order to discharge my duties effectively. If those who write such memoranda believe that their advice and recommendations could be disclosed to Congress or the public, they will be reluctant to set forth their true views or even to express them at all. This concern is heightened significantly where the disclosure would take place while the investigation is ongoing. Indeed, as Director Freeh testified on August 4, Department employees already have been hesitant to put their views in writing. Moreover, such disclosure places the Congress in a position of appearing to exert political pressure to influence the handling of criminal investigations.

You and your staff have reviewed these redacted memoranda, and I am willing to have a small number of additional Members review them. I ask only that we agree upon a review mechanism that will not reduce the ability and willingness of law enforcement professionals to provide candid advice and recommendations during this investigation or in future matters. To do otherwise, and to permit public discussion of such deliberative documents during a criminal investigation, could raise questions about the integrity of every controversial law enforcement decision.

I want to reiterate that I am prepared to accept your request of earlier this week that six additional majority Members of the Committee and a comparable number from the minority be permitted to review the redacted memoranda on a confidential basis so that they can be prepared to perform their oversight functions, as long as you can assure me that this additional accommodation will bring the matter to conclusion.

The Honorable Dan Burton
September 18, 1998

I remain available to meet with you and Mr. Waxman at any time to continue our efforts to reach a solution that will permit each branch of government to do its job.

Sincerely,

Janet Reno

cc: The Honorable Henry A. Waxman
Ranking Minority Member

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ONE HUNDRED FIFTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

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BERNARD SANDERS, VERMONT
INDEPENDENT

September 23, 1998

VIA FACSIMILE AND US MAIL

Mr. Craig Iscoe
United States Department of Justice
Counsel to the Deputy Attorney General
915 Pennsylvania Avenue NW
Room 4307
Washington, DC 20530

Dear Craig:

On May 19, 1998, the House Committee on Government Reform and Oversight sent a letter to Commissioner Doris Meissner, Immigration and Naturalization Service (letter attached). The letter requested all information the INS maintains on THOMAS BERNHARD KRAMER and his wife CATHERINE BURDA KRAMER. On August 5, 1998, a Committee investigator, following up on the request to INS, was advised by Allen Eranbaum, Director, Office of Congressional Relations, that the requested information had been sent to your office for review. Since it is now more than 4 months since the Committee's original request, please advise when the Committee can expect receipt of the requested information. If you have any questions please contact me, or Senior Investigator Kevin Davis at (202) 226-2299.

Sincerely,

James C. Wilson
Chief Investigative Counsel

DAN BURTON, INDIANA
CHAIRMAN

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CONSTANCE A. MORELLA, MARYLAND
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BERNARD SANDERS, VERMONT
INDEPENDENT

September 23, 1998

Louis J. Freeh
Federal Bureau of Investigation
J. Edgar Hoover Building
9th Street and Pennsylvania Avenue, N.W.
Washington, D.C. 20535

Dear Director Freeh:

As you know, the House Committee on Government Reform and Oversight is investigating allegations of campaign finance abuses and possible violations of law. One of the issues the Committee is investigating involves Yah Lin "Charlie" Trie and his business and personal associates. As part of its investigation, the Committee hereby requests that you provide access to documents you have relating to the following individuals.

a. Mr. Jiongzhang Tang, President, Electronic Equipment Company, Ltd.
b. Ms. Jing Fan, General Manager, Electronic Equipment Company, Ltd.
c. Yan Sheng Pan, Senior Engineer, Power Joint Venture Company
d. Jie Liu, Power Joint Venture Company
e. Chun-Hua Yeh, Chairman, American International Bank
f. Mr. Zhang Xing
g. Mr. Xiang Haijun
h. Mr. Jin Feng
i. Ms. Zhao Tao
j. Mr. Hu Heli
k. Mr. Tang Haoyuan
l. Mr. Xu Shuhua
m. Mr. Chen Shilin
n. Mr. Wang Shuangjin
o. Yu Fang Zheng, CITIC Financial Officer
p. Fengwen Sang, Secretary General People's Government Jilin Province

q. Xiaoye Ma, Department of American & Oceanian Affairs, Ministry of Foreign Economic Relations and Trade, People's Republic of China
r. Xin Quan Wu, Vice Gnereal Manager of Banking Department, China Everbright
s. Guan Quanfu, Deputy Director Foreign Affairs Office, The People's Government of Beijing Municipality
t. Xin Quan Wu, Vice General Manager of Banking Department, China Everbright
u. Peter Hsie Chen

Please have your staff contact this office to arrange a mutually convenient venue to review the relevant documents. If you have any questions regarding this request, please contact Chief Counsel Barbara J. Comstock (202) 225-5074. Thank you for your assistance in this matter.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman

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BERNARD SANDERS, VERMONT
INDEPENDENT

September 23, 1998

The Honorable Janet Reno
Attorney General of the United States
10th and Constitution Avenues
Washington, D.C. 20530

Dear General Reno:

The Committee is in receipt of your letter of September 18, 1998, which was received by the committee late Friday evening. As the members who had requested to review the memoranda, we write to express our concerns to your response.

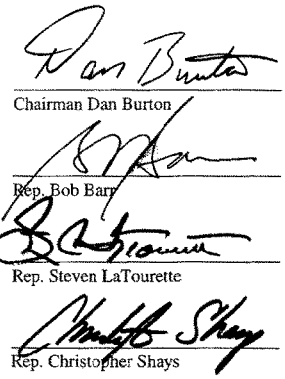
As you know, having already voted to hold you in contempt on Thursday, August 6, 1998, for refusing to honor a lawful subpoena, the Committee filed its contempt resolution and report with the House of Representatives on Thursday, September 17, 1998. This followed your rejection of the Committee's request to have six additional majority members of the committee review the subpoenaed memoranda.

The purpose of this review was to have been to accommodate your concerns, notwithstanding your unlawful violation of a valid Congressional subpoena, by allowing Committee members with legal expertise, including former prosecutors and White House counsel, to evaluate the memoranda in light of the concerns you have raised.

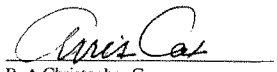
The subpoenaed memoranda concern whether you are following the law. You have asserted no lawful opposition to the subpoena. Your demand that the Committee agree -- *before* the subpoenaed documents have been evaluated by even a small number of our members -- that this necessarily will "bring the matter to a conclusion" is untenable.

Particularly since the subpoenaed documents concern your compliance with the law, we would like to avoid having you become the first Attorney General held in contempt for failing to comply with a valid Congressional subpoena.

Sincerely,

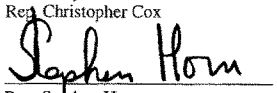


Chairman Dan Burton



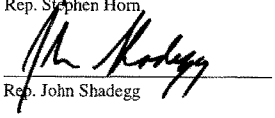
Rep. Christopher Cox

Rep. Bob Barr



Rep. Stephen Horn

Rep. Steven LaTourette



Rep. John Shadegg

Rep. Christopher Shays

U.S. Department of Justice

Federal Bureau of Investigation

Office of the Director

Washington, D.C. 20535

September 23, 1998

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

Dear Mr. Chairman:

I am writing with regard to the Committee's subpoena for the internal memoranda on the ongoing campaign finance investigation. In order to avoid an unnecessary clash between the legislative and executive branches, I urge you to continue your efforts to work out an acceptable compromise with the Department of Justice.

In the past, we have worked constructively to find fair solutions that addressed the Committee's oversight needs while respecting our law enforcement responsibilities. I am personally grateful for your efforts to reach such an accomodation, and I hope those efforts will continue.

As you know, I have appeared twice before your Committee to discuss my recommendation to the Attorney General that she seek the appointment of an independent counsel in the campaign finance investigation. I testified with great reluctance. I felt strongly, as I still do, that my advice to the Attorney General on such an issue should be a confidential matter between those charged with investigating and prosecuting crimes. However, in order to avoid an unnecessary confrontation with the Committee, the Attorney General and I not only agreed to testify, we have taken other extraordinary steps after cooperative discussions with you and other Committee members.

The Honorable Dan Burton

In January, our staffs provided a joint briefing to you and Congressman Waxman on the details of my written memorandum to the Attorney General. On September 2, the Attorney General and others provided you, Mr. Waxman, and the leadership of the House and Senate Judiciary Committees with a briefing on my memorandum and the report prepared by Messrs. La Bella and DeSarno. In connection with that briefing, you were given access to redacted copies of the memoranda themselves.

As I testified on August 4, I am very concerned that further disclosure of these memoranda -- which are essentially prosecution memos -- would have a severe chilling effect on investigators and prosecutors. Moreover, even though the memoranda have been redacted to protect against the disclosure of confidential grand jury information, I believe the public release of the redacted memoranda could harm the ongoing investigations. Even in their redacted form, the memoranda contain the confidential views of the chief investigators about ongoing criminal matters. Those views should be kept confidential, and certainly should not be revealed to the subjects of the investigation through wholesale public disclosure.

I understand that you may wish to give some other Committee Members the opportunity to review the redacted memoranda, to allow them to make their own judgments about the independent counsel matters at issue. The Attorney General has agreed to such a request, and I certainly would support such an accomodation if it would avoid a further confrontation between the Committee and the Justice Department.

I appreciate your consideration of my views on this very important matter. As always, I am available to discuss the matter further.

Sincerely,

Louis J. Freeh
Director

1 - The Honorable Henry A. Waxman
Ranking Minority Member

U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

September 28, 1998

The Honorable Constance Morella
U.S. House of Representatives
Washington, DC 20515

Dear Congresswoman Morella:

The Attorney General has asked me to respond further to your inquiries at the House Government Reform and Oversight Committee hearing on December 9 concerning the application of the Federal Election Campaign Act (FECA), 2 U.S.C. §§ 431-455, to so-called "soft money" donations from foreign nationals. I apologize for the delay in our response.

The term "soft money" is not a term that is defined, or even used, in any of the provisions of FECA. Almost all of the substantive provisions of FECA are cast in terms of the making, receiving, and reporting of "contributions" and "expenditures." These critical words are, in turn, defined in FECA to mean donations and disbursements that are made "for the purpose of influencing any election for Federal office." 2 U.S.C. § 431(8), § 431(9).

Over the years, "soft money" has become a short-hand way of describing funds that are raised outside the limitations and prohibitions contained in FECA and therefore cannot be used for the purpose of influencing the election of candidates for federal elective office. "Hard money," on the other hand, refers to funds that are raised in compliance with the requirements of FECA for the purpose of influencing a federal election. Thus in most situations covered by FECA, the concept of "soft money" applies to funds raised and spent for purposes other than to influence a federal election, such as to influence the election of candidates for State or local offices.

However, two provisions of FECA extend beyond federal elections and apply to all U.S. elections -- federal, State, and local. One of these provisions relates to the subject of your request: the statutory ban on donations from foreign nationals. 2 U.S.C. § 441e. The other FECA ban, that reaches all elections, applies to national banks and federal corporations, 2 U.S.C. § 441b.

Specifically, Section 441e makes it unlawful for a "foreign national" to make a "contribution of money" or other item of value "in connection with an election to any political office or in connection with any primary election, convention, or caucus held to select candidates for any political office[.]" (emphasis added). The Federal Election Commission's regulation implementing Section 441e interprets its language to mean that a foreign national may not make a contribution "in connection with any local, State, or Federal public office." 11 C.F.R. §110.4(a). The term "foreign national" is defined by Section 441e to mean a "foreign principal" as defined in Section 611(b) of Title 22 of the United States Code, or an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence pursuant to Section 1101(a)(20) of Title 8 of the United States Code, i.e., persons holding "green cards."

We trust that this information responds to your needs, although we realize it is, of necessity, a rather general explanation of Section 441e. Please do not hesitate to contact me, if I can be of further assistance with respect to this or any other matter.

Sincerely,

L. Anthony Sutin
Acting Assistant Attorney General

cc: The Honorable Dan Burton
Chairman, Committee on
Government Reform and Oversight
U.S. House of Representatives

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

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

OCT 2 1998

The Honorable David M. McIntosh
Chairman, Subcommittee on National Economic
Growth, Natural Resources, and Regulatory Affairs
Committee on Government Reform and
Oversight
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

The Department of Justice has received your correspondence dated September 17, 1998, in which you set forth allegations of perjury and obstruction of justice involving investigations conducted by your Subcommittee. Your letter and its supporting materials have been referred to the Criminal Division. The Department is now reviewing the information that you submitted to determine whether a criminal investigation is warranted.

Thank you for bringing these matters to our attention, as well as for your offer of cooperation in any investigation.

Sincerely,

L. Anthony Sutin
Acting Assistant Attorney General

cc: The Honorable Dan Burton
The Honorable Henry A. Waxman
The Honorable John F. Tierney

DAN BURTON, INDIANA
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ONE HUNDRED FIFTH CONGRESS

Congress of the United States
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BERNARD SANDERS, VERMONT
INDEPENDENT

October 5, 1998

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Dear Madame Attorney General:

On July 24, 1998, the Committee on Government Reform and Oversight subpoenaed two Justice Department memoranda drafted by FBI Director Louis Freeh and Campaign Financing Task Force head Charles La Bella which, according to press reports, criticized you and the Department for violation of the mandatory provisions of the Independent Counsel act. The deadline for lawful compliance with the subpoena expired on July 27, 1998.

On August 6, 1998, the Committee determined by formal vote that you are in contempt for unlawful failure to comply with a valid congressional subpoena.

Throughout the period since July 1998, we have conducted extensive negotiations, leading thus far only to a limited review of heavily redacted copies of the memoranda on September 2, 1998. The subpoena calls for the redaction of grand jury material, and indeed the sections of the redacted Freeh and La Bella memoranda that I have reviewed contain no grand jury material. Neither do they contain information that could compromise any pending criminal investigation or prosecution: as your letter of September 18 concedes, the redactions "have substantially reduced the risk of harm to the investigations." Therefore, to be absolutely clear about what this Committee is asking you to provide, this letter is to establish that you will be deemed in belated compliance with the Committee's subpoena upon production of the following material from the redacted Freeh and La Bella memoranda not later than October 7, 1998:

(1) All references to whether the Department of Justice has used different standards to determine whether to commence an investigation of White House officials or Independent Counsel-covered government officials as opposed to other

individuals.

(2) All statements related to whether any investigation is being delayed because of who the subject of the investigation is.

(3) All statements relating to whether the Department has taken steps to refrain from investigating any individual.

(4) All statements asserting a lack of justification for commencing investigations against some persons and not against others.

(5) All statements asserting that the Attorney General, or any other official at the Department of Justice, has set an artificially high threshold for investigation of White House officials.

(6) All statements pertaining to whether the Department of Justice, or the Attorney General, has incorrectly interpreted the evidentiary threshold in the statute for appointing an Independent Counsel, or for triggering a thirty or ninety day review prior to the request to appoint an Independent Counsel.

(7) All statements related to lack of evenhanded analysis by the Department of Justice in the treatment of any specific allegations of wrongdoing.

(8) All statements critical of the types of negotiation or consultation conducted by the Department of Justice.

(9) Any reference to the Department of Justice providing misleading assurances to the public, or parties who have brought allegations of misconduct to the attention of the Department of Justice, that the Department is responsibly reviewing the matter when in fact it is not.

(10) All statements related to whether the Department of Justice has now, or has had in the past, conflicting duties towards the President with respect to the campaign finance investigation.

(11) All statements related to whether the Attorney General or any other official of the Department incorrectly interpreted the distinction between "actual" conflict of interest and "appearance" of conflict of interest under the Independent Counsel statute.

(12) All statements related to intellectual dishonesty or inconsistency by the Department of Justice in determining which allegations to pursue.

(13) All statements related to political appointees disparaging legal theories supporting investigation or prosecution of campaign finance-related improprieties. In

addition, all information related to whether disparagement of legal theories by political appointees led to a decision to refrain from conducting an investigation or initiating a prosecution.

(14) All statements related to whether the determination of who is a "covered person" is distorted by White House officials' salary levels.

(15) All statements asserting that the Department of Justice Campaign Financing Task Force failed to consider the totality of alleged campaign finance offenses in order to determine whether a covered person violated federal criminal law.

(16) All statements asserting that the Campaign Financing Task Force might have had an adversarial relationship with the Department of Justice.

(17) Any reference to whether the magnitude of campaign finance abuses can alter the outcome of any particular election.

(18) All statements related to whether the diverse matters under scrutiny by the Department of Justice suggest any patterns of criminal conduct.

Thank you for your immediate attention to this matter.

Sincerely,

Dan Burton
Chairman

cc: Hon. Henry A. Waxman
David Vicinanzo

Office of the Attorney General
Washington, D. C. 20530

October 7, 1998

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

Dear Chairman Burton:

I am writing in response to your letter of October 5, 1998.

The Department of Justice remains committed to an accommodation that provides the Committee with the information it needs to carry out its oversight responsibilities while preserving the Department's ability to carry out our law enforcement functions. Chairman Hyde has suggested a possible resolution and has expressed a continued willingness to meet with us to assist in the fashioning of an appropriate agreement. I suggest that we meet with him as soon as your schedule permits so that we may reach an expeditious resolution.

Sincerely,

Janet Reno

cc: The Honorable Henry A. Waxman
Ranking Minority Member

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BERNARD SANDERS, VERMONT
INDEPENDENT

October 14, 1998

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Dear General Reno:

In mid-July, 1998, my staff met with David Vicinanzo, Craig Iscoe and Mark Richard. This was one of a series of ongoing, periodic meetings with a representative of the Campaign Financing Task Force to ensure that the Committee on Government Reform and Oversight does not take any actions to jeopardize the progress of the various Department of Justice investigations. As you are well aware, the Committee has cooperated with the Task Force and refrained from acting in a manner that would adversely affect any task force investigations.

At the time of the July meeting, it was decided that our next meeting with Task Force head Vicinanzo would be approximately one month later. Notwithstanding repeated requests to have a meeting with Mr. Vicinanzo, your staff has failed to make him available. The first specific request was made on September 2, 1998, directly to Craig Iscoe in Senator Hatch's office. Other requests followed that one.

It is somewhat of a mystery to me why your staff refuses to contact Mr. Vicinanzo to arrange a meeting. Although we had the same problem towards the end of Mr. La Bella's tenure -- specifically, repeated requests to meet, and a concomitant failure to act by the Department of Justice -- I assumed that the arrival of Mr. Vicinanzo would lead to changes in the way your staff conducted the campaign finance investigation. Such has not been the case.

In case you think this is not relevant, let me provide one example of why I believe it is important for there to be cooperation between Congress and the Department of Justice. Recently, we discovered documentary evidence that has a direct bearing on potential illegal conduct by John Huang. The conduct at the center of this matter took place on October 15, 1993. Thus, if the statute of limitations on this matter is five years -- as is frequently the case -- the statute may

well run on October 15, 1998. We would like to provide this information to your Campaign Financing Task Force, but we will not provide it directly to your immediate political staff.

As I noted in a letter on October 2, 1998, the Washington Post printed the following:

> A Senior Justice Department official said that some investigators have concluded that Huang does not have information that would support the prosecution of the Democratic officials who received and spent the funds he raised or the White House officials who promoted his career in Washington.

Because you have staff who are willing to make such comments to the newspapers -- at a time that the Department has apparently not even talked to Mr. Huang -- it is not advisable for my Committee to provide sensitive information to such individuals. Thus, we are in a "Catch-22" situation; we want to provide information to Mr. Vicinanzo, and your staff will not allow Mr. Vicinanzo to receive information.

While I am surprised that you tolerate such unprofessional conduct -- whether that conduct involves a failure to receive information about ongoing criminal investigations or illegal leaks to the press -- I ask you personally to intervene to permit Congress and the Campaign Financing Task Force to work together. The Committee on Government Reform and Oversight has always attempted to work in concert with the Department of Justice, and it would be best for the American people if you guaranteed that we would be able to do so in the future.

We are available to meet with Mr. Vicinanzo immediately. Should you decide that it would be beneficial to instruct your staff to meet with my staff, please have your staff contact either Chief Counsel Barbara Comstock at 225-8449 or Chief Investigative Counsel James Wilson at 225-8784. Because almost two months has passed since a meeting had been tentatively scheduled, please have them contact my staff as soon as possible.

Sincerely,

Dan Burton
Chairman

cc: David Vicinanzo

U.S. Department of Justice

Office of the Deputy Attorney General

Associate Deputy Attorney General

Washington, D.C. 20530

October 16, 1998

Ms. Barbara Comstock
Chief Majority Counsel
House Committee on Government Reform and Oversight
U.S. House of Representatives
Washington, DC 20515

Dear Ms. Comstock:

This is in response to Chairman Burton's letter of October 14, which offered to provide the Department with documentary evidence of potential illegal conduct by John Huang. As Acting Assistant Attorney General Anthony Sutin and I stated in our telephone conversation with you yesterday, October 15, the Department is extremely interested in receiving that evidence or any other evidence that the Committee may have regarding potential violations of criminal law. You noted that the Committee had obtained the documents pertaining to Mr. Huang earlier this week and that the Department may already have obtained the documents from other sources. In addition, you stated that you would consult with the minority staff and then contact the Department.

As we advised you, we are ready to pick up copies of the documents immediately. Thank you for your cooperation.

Sincerely yours,

Craig Iscoe

Craig Iscoe
Associate Deputy Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

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BERNARD SANDERS, VERMONT
INDEPENDENT

October 16, 1998

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Dear General Reno:

On Wednesday, at 5:00 p.m., I sent the attached letter to your office by facsimile. It was also transmitted to Associate Deputy Attorney General Craig Iscoe at 4:51 p.m. The letter requested that you personally intervene to allow Mr. Vicinanzo to meet with staff from the Committee on Government Reform and Oversight. In mid-July, Mr. Vicinanzo indicated that he would meet with staff in approximately mid-August, and that he deemed such a meeting worthwhile. Since that time, we have been forced to work through your staff to set up the meeting that Campaign Financing Task Force head Vicinanzo indicated he wanted to occur.

Yesterday, at approximately 4:30 p.m., Mr. Iscoe called Committee Chief Counsel Barbara Comstock and indicated that there was no need for a meeting between Mr. Vicinanzo and this Committee. He also indicated that he called late in the day because he had not received the facsimile transmission because of some unspecified "internal problems." Today, Mr. Iscoe sent a follow-up letter to the Chief Counsel of the Committee. In this letter, he did not address the primary matter of concern -- whether you would permit Mr. Vicinanzo to receive information from the Committee without the information being filtered through your political advisers.

It is my understanding that Mr. Vicinanzo was amenable to regular meetings and, at a minimum, had agreed to at least one meeting to be held one month after the last meeting he attended. Now I am informed that your staff has decided -- apparently on behalf of Mr. Vicinanzo -- that he will not be allowed to meet with staff from this Committee.

As I communicated in my October 14 letter, we have information pertinent to the Campaign Financing Task Force investigation. Of course, it is unclear to us whether or not you have this information at this time, but at the very least I would expect your staff to be open to receiving such information from the Committee. It appears, however, that you have made a decision that Mr. Vicinanzo will be shielded from information, and that the Department of Justice will not permit Mr. Vicinanzo to receive information directly from Congress and meet with us to discuss this information. Instead, your political staff has insisted on screening this information and not allowing the career prosecutor heading up the investigation to receive information without the supervision of your political staff.

I ask that you answer two questions. Did Mr. Vicinanzo himself decide that he did not want to receive information from Congress? If Mr. Vicinanzo was not involved in this decision, then who did make the decision to shield Mr. Vicinanzo from attending meetings that he had earlier indicated an interest in?

I would appreciate your responding to me directly.

Sincerely,

Dan Burton
Chairman

cc: Director of the FBI Louis Freeh
David Vicinanzo

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

October 21, 1998

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

Dear Mr. Chairman:

This is in response to your letter of October 16, 1998, as well as your letters of October 14 and October 2.

As we emphasized to your Chief Counsel in a telephone conversation on October 15, and confirmed in a letter we sent by facsimile on the morning of October 16, we are extremely interested in receiving as soon as possible any documents that you believe are relevant to our investigation. We also stated that we are prepared to send a messenger to get the documents as soon as you make them available.

We will immediately forward any documents that the Committee provides us directly to the Task Force, as we have done with all other materials on this matter received from this or any other Committee. If you prefer to send the documents directly to Mr. Vicinanzo, you may have them delivered to him at 1001 G Street, N.W., Suite 310, Washington, D.C. 20001. We look forward to receiving the documents from the Committee. We should note that there is absolutely no basis for your suggestion that political officials are "screening" or "shield[ing]" Mr. Vicinanzo from any information regarding the subject of the investigation.

You also indicate that your staff would like to discuss these documents. After the Task Force completes its initial review of the documents, we will be in contact with you to discuss what further information the Committee can provide us.

You have also requested a meeting to follow up on the Department's July meeting with your staff. As you know, we held that meeting in order to discuss the Department's position on the Committee seeking immunity for particular witnesses. At the conclusion of our July meeting, we agreed to meet again with the Committee once we had obtained information that

would better enable us to tell the Committee whether we would oppose the Committee seeking immunity for certain witnesses. We are now in a position to discuss those issues. We will discuss with your staff the scheduling of a meeting.

Finally, I would like to address the statement made in your letter of October 2, and repeated in your letter of October 14, about the status of the investigation of Mr. Huang. As your October 2 letter acknowledged might be the case, there are numerous inaccuracies, both of detail and of overall thrust, in the Washington Post article that you enclosed regarding the direction of the ongoing investigation. It is most unfortunate that we cannot discuss most of these inaccuracies without violating Rule 6(e) or interfering with the ongoing investigation. However, you should rest assured that the Task Force has not finished its investigation and remains committed to the "bottom up" approach to the investigation that the Attorney General has often described. The Department shares your concern with the inaccurate comments attributed to a "senior Justice Department official." Before receiving your October 2 letter, the Attorney General asked the Office of Professional Responsibility to investigate the matter.

Please do not hesitate to contact me if I may provide you with additional information.

Sincerely yours,

L. Anthony Sutin
Acting Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

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BERNARD SANDERS, VERMONT
INDEPENDENT

October 28, 1998

David Vicenanzo, Esq.
U.S. Department of Justice
Campaign Contributions Task Force
1001 G Street, N.W., Suite 800
Washington, D.C. 20001

Re: Immunity for Witnesses

Dear Mr. Vicenanzo:

I am writing to request the opinion of the Department of Justice regarding grants of immunity by this Committee to a number of witnesses involved in the Committee's investigation of illegal political contributions. Committee staff met with you and other Justice Department staff to review many of these names at the end of July. However, we have heard no response with regard to our request. I hope that my staff can meet with you again to review these names, and receive answers regarding the potential grant of immunity to these witnesses.

Kweek Wie Lay: As discussed at our last meeting, Mr. Lay is a former business associate of Ted Sioeng. Justice Department staff present at the last meeting indicated that they needed to conduct further research with regard to Mr. Lay before they could answer the Committee's request.

Simon Chen: As discussed previously, Mr. Chen is the former owner of the International Daily News and business associate of Ted Sioeng.

Charles T. Chiang: We discussed immunity for Mr. Chiang at the July meeting, and at a number of earlier meetings. The Committee continues to be interested in granting immunity to Mr. Chiang.

Kimmy L. Young and Nelson F. Young: The Youngs contributed $10,000 to the DNC in August 1996. Records indicate that this contribution may be a conduit

contribution involving Antonio Pan. It is our understanding that the Youngs are cooperating with the Department's investigation as well as an FEC investigation.

Marcelino V. Brotonel; Reynaldo B. Crespo; Ricardo Crespo; Jacob Delvalle; Raymond B. DosRemedios; Richard Esparragoza; David Fried; Manuel G. Garcia; William Gearhart; Leonard J. Keller; Juan M. Ortiz; Gregorio P. Narvasa; Robert J. Nowell; Ruth Stella Ramirez; Juan L. Ruiz; Rolando Sacramento; Enrique Sanchez; Jennifer C. Seijas: All of these individuals are employees of Future Tech and made substantial contributions to Clinton-Gore '96 and other political campaigns that appear to be conduit contributions. At the July meeting, Justice Department staff indicated that they would provide a response to the Committee's request regarding these witnesses sometime in September. We have heard nothing to date.

Please contact Barbara J. Comstock, the Committee's Chief Counsel, at (202) 225-5074 to schedule a meeting time to discuss the potential grant of immunity to these individuals.

Sincerely,

Dan Burton
Chairman

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

OCT 28 1998

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

Dear Chairman Burton:

This is in response to your letters requesting information concerning 1) the costs for the Department's Campaign Finance investigation, including the cost to the Federal Bureau of Investigation (FBI); and 2) the total cost of the Justice Department's 1993-1996 investigation into the Billy Dale matter. We apologize for the delay in our response. It is important to note that because the Department does not maintain case specific accounting records, all cost figures provided in response to your request are extremely rough estimates and the actual costs may be more or less than the amounts provided. This is especially true for the Billy Dale matter, which ended almost three years ago. As we describe below, attorneys and other staff assigned to this matter did not work on it exclusively and had to estimate the amount of time they devoted to this investigation.

The ongoing campaign finance investigation is dynamic and resources devoted to this are adjusted on a regular basis as demand requires. For FY 1997, the Department's cost for the Campaign Finance investigation is estimated to be approximately $6.3 million, of which approximately $5,150,000 was for costs incurred by the FBI and the remaining approximately $1,150,000 for the costs incurred by the Criminal Division and Executive Office for United States Attorneys. For FY 1998, the total estimated expenses through May 31, 1998, were somewhat less than $15,800,000. It is estimated that slightly more than $13,100,000 of that amount was for costs incurred by the FBI and the remaining amount of approximately $2,700,000 was for the costs incurred by the Criminal Division and Executive Office for United States Attorneys. Again, these figures are rough estimates and the actual expenses may be lower or higher.

The investigation of the Billy Dale matter began in May 1993 and ended in November 1995. To provide an estimate of the costs of that investigation, it was necessary to interview the lead attorney involved to obtain anecdotal information concerning the amount of time devoted to the investigation. After we obtained the estimates of the attorney and paralegal time devoted, we

added costs for support staff and overhead (modular costs) contained in the current budget and adjusted the result for inflation in order to estimate the costs for the years in question. Using this methodology, the Criminal Division estimates its costs to be $300,000 for the Billy Dale matter. Again, we wish to reiterate that this is a rough estimate and the actual expenses may be lower or higher.

While it was possible to use this approach to estimate the costs the Criminal Division incurred on the Dale case because of the small number of personnel involved, the FBI has not yet been able to produce a similar estimate of its costs. As soon as a reasonable estimate is available, we will provide the information to you.

Please do not hesitate to contact me if I may be of further assistance on this or any other matter.

Sincerely,

L. Anthony Sutin
Acting Assistant Attorney General

cc: The Honorable Henry A. Waxman
Ranking Minority Member

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BERNARD SANDERS, VERMONT
INDEPENDENT

November 5, 1998

The Honorable Janet Reno
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Reno:

I am writing to inform you that our Committee has important evidence relating to Johnny Chung, one of the prominent figures in the investigation by your campaign finance task force. I believe you should have access to this information and ask that you take the steps necessary to obtain access to this information.

On November 14, 1997, Mr. Chung and his lawyer appeared for a Committee deposition, with a number of Committee members and staff present. Mr. Chung invoked his Fifth Amendment privilege in his deposition, but then agreed to be interviewed by the members and staff, who in turn agreed to keep the interview confidential.

Due to the confidentiality agreement, I cannot disclose what Mr. Chung and his lawyer said at the meeting. I believe it is important for you to learn what was said, however, because the statements made by Mr. Chung and his lawyer at that meeting conflict with the statements that Mr. Chung is reported to have made to the Department of Justice in news articles. *See, e.g.*, *Democrat Fund-Raiser Said to Name China Tie*, New York Times (May 15, 1998). In particular, my staff has detailed notes from the November 14 meeting that would appear to call into question the credibility of Mr. Chung's statements to the Department of Justice.

I have tried to obtain permission to provide you information about the November 14 meeting. At a May 21, 1998, Committee meeting, I offered a motion that the Chairman contact Mr. Chung and his attorney and ask them to waive the confidentiality agreement. The Committee approved this motion, but unfortunately Mr. Chung's attorney refused to waive the confidentiality agreement.

I believe the best way for you to obtain access to the November 14 meeting may be for you to ask Mr. Chung to waive the confidentiality agreement he has with this Committee. I understand from media accounts that Mr. Chung has entered into a cooperation agreement with the Department of Justice. *See, e.g.*, *Chung Alleges DNC Sought Illegal Funds: Justice Dept.*

Probe Enters New Phase, Washington Post, June 20, 1998, A1. As part of any such agreement, Mr. Chung would seem to be required to facilitate your efforts to obtain information about the November 14 meeting.

I urge you to act expeditiously to obtain access to our Committee's November 14, 1997, meeting with Mr. Chung.

Sincerely,

Henry A. Waxman
Ranking Minority Member

cc: Members of the Committee on Government Reform and Oversight

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ONE HUNDRED FIFTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

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BERNARD SANDERS, VERMONT
INDEPENDENT

November 5, 1998

The Honorable Janet Reno
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Reno:

In an October 28, 1998, letter to David Vicenanzo, Chairman Burton requested the Department of Justice's opinion on granting immunity to a number of witnesses related to the Committee's campaign finance investigation. I request that the Department also give the Committee its opinion on granting immunity to Paul Peveto and Mike Lucia.

As discussed in my October 26, 1998, letter to you, these witnesses may have information related to allegations that Rep. Tom DeLay and others counseled, and possibly conspired, with others to evade federal election law.

Chairman Burton's letter asked for a meeting with Mr. Vicenanzo to review his immunity request. I ask that the Department also advise the Committee on my request concerning immunity for Mr. Peveto and Mr. Lucia at that time.

If you have any questions regarding this request, please contact Ken Ballen at 225-5420.

Sincerely,

Henry A. Waxman
Ranking Minority Member

cc: Members of the Committee on Government Reform and Oversight

U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

NOV 16 1998

The Honorable Christopher Cox
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Cox:

This is in response to your letter of May 14, 1998, inquiring further about efforts by the Department of State to encourage the Peoples Republic of China (PRC) to provide the Department of Justice with the assistance we requested from the PRC in our Campaign Financing investigation. We apologize for the delay in our response.

We suggest that you contact the Department of State directly for information about its efforts. We can, however, provide you with additional information about our own efforts to secure cooperation from the PRC. On April 9, 1998, the Attorney General discussed the issue of PRC cooperation with Li Zhaoxing, who had recently become the Chinese Ambassador. This August, Justice Department officials raised the issue at a meeting in Beijing with Yin Yubiao, the Director General of the Ministry of Foreign Affairs. We are continuing our efforts to secure the PRC's cooperation in this and other matters.

Please do not hesitate to contact me if I may provide you with additional information.

Sincerely,

L. Anthony Sutin
Acting Assistant Attorney General

cc: The Honorable Dan Burton
Chairman, Committee on Government
Reform and Oversight

The Honorable Henry A. Waxman
Ranking Minority Member, Committee
on Government Reform and Oversight

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BERNARD SANDERS, VERMONT
INDEPENDENT

November 30, 1998

Attorney General Janet Reno
United States Department of Justice
Tenth Street & Constitution Avenue N.W.
Washington, D.C. 20530

Re: Request for Documents

Dear General Reno:

Pursuant to its authority under Rule X and XI of the House of Representatives, the Committee on Government Reform and Oversight hereby requests certain records.

Definitions and Instructions

1. For the purposes of this request, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this request, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This request calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this request the broadest reading.

5. No records, documents, data or information called for by this request shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any requested record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

8. This request is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3½ inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Requested Items

Please produce the following items to the Committee:

1. All requests received and records produced pursuant to the Freedom of Information Act from 1990 through 1996, relating to Orlando Castro Llanes or Banco Progreso Venezuela.

2. All requests received and records produced pursuant to the Freedom of Information Act in 1993 and 1994, relating to Carlos A. Freeman.

3. All records from 1990 through 1994 relating to an investigation in Venezuela by FBI and Justice Department personnel relating to Miguel Recarey or Orlando Castro Llanes.

Please produce the requested documents by the close of business on January 4, 1999. If you have any questions about this request, please contact the Committee's Deputy Counsel, David A. Kass, at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

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BERNARD SANDERS, VERMONT
INDEPENDENT

December 7, 1998

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Dear General Reno:

As you know, I have had an ongoing concern that political appointees at the Justice Department have leaked material from the campaign finance investigation, including reportedly highly classified information, to the press. I have sent a number of letters to you with examples of leaks by high-ranking Justice Department officials, yet, the problem continues unabated. The last several weeks have seen major leaks from Justice Department investigations. I have summarized these leaks in this letter in the hope that you will take some corrective action.

I also bring this matter to your attention because it underscores the point that I have been making for almost two years - that the law requires and the facts necessitate that you appoint an independent counsel to investigate the campaign finance scandal. The Independent Counsel Act is meant in part to protect the Justice Department from an appearance of a conflict of interest when investigating the President or other high-level officials. When your investigation leaks to this extent, it renews my concern that your investigation is not independent or impartial. Rather, it appears that many in the senior ranks of the Justice Department may be attempting to aid the Administration by prematurely releasing information. These leaks erode your credibility in a number of ways:

- These leaks constitute the improper release of sensitive information. The leaks have contained information that appears to be covered by Rule 6(e) of the Federal Rules of Criminal Procedure, or that is reportedly classified. Leaks by "senior Justice Department officials could provide a "heads up" to targets of investigations, and may compromise various investigations conducted by the Department.

- Your senior aides at the Justice Department are releasing this information at the same time that you are refusing to comply with lawful Congressional subpoenas for two

investigative memoranda. You base your refusal to comply with this Committee's subpoena on the purported harm that would befall your investigation if you produced the subpoenaed documents. Yet, you apparently allow your aides to discuss precisely the same information with newspaper reporters.

- These leaks lead many to conclude that the Justice Department has a partisan agenda. It appears that many of the leaks have been timed to minimize the impact of harmful news for the Administration, or in other cases, they are used to undermine the credibility of individuals offering testimony against the Clinton Administration.

Even as you considered whether to appoint an independent counsel to investigate the fundraising telephone calls of Vice President Gore, senior staffers at the Justice Department were discussing your decisionmaking process with several newspapers. On November 24, 1998, the New York Times reported a number of details of the debate among your advisors in the decisionmaking process, and concluded that you were "unprepared to declare whether [you] had decided to refer the allegations about Mr. Gore's case to an outside prosecutor . . . ." David Johnston, *"Reno's Aides Split on Merits of Need for Gore Prosecutor,"* New York Times, November 24, 1998 (Attachment 1). That same day, the Washington Times cited Justice Department officials saying that "they believe the attorney general will reject accusations that there is specific and credible evidence of criminal wrongdoing [in the Gore case.]" Jerry Seper, *"No Outside Counsel Likely in Probe of Gore Campaign Calls,"* Washington Times, November 24, 1998 (Attachment 2). These reports are troubling in that they contain details of your decisionmaking process, and that they also indicate that a number of your close advisors believed that you had already made up your mind, even though you had not shared that conclusion with the public.

As you can see from the following summary, it appears that the Justice Department has a considerable problem with leaks in this highly-charged investigation, which may lead to the highest levels of the White House and the Democratic National Committee. It also appears that some individual or individuals in the senior ranks of the Justice Department may be using leaks to pursue a partisan agenda.

1. Leaks Regarding an Investigation of Independent Counsel Starr

One of the most recent reported leaks by a senior Justice Department official was in the November 23, 1998, Newsweek magazine. According to Newsweek, the Justice Department "is close to launching a formal ethics probe into at least one episode of [Independent Counsel Kenneth] Starr's handling of the Lewinsky investigation." Daniel Klaidman, *"Starr on the Stand,"* Newsweek, November 23, 1998 (Attachment 3). This revelation came only several days before the Independent Counsel's appearance before the Judiciary Committee, and was used as grist for detractors of the Independent Counsel at that hearing. As the article notes, this is an ongoing investigation.

The Independent Counsel is acting in the place of the Justice Department in this investigation, and as such, it is improper for the Justice Department to try to impede or

denigrate the efforts of the Independent Counsel. Unfortunately, as this Committee learned from the testimony of Independent Counsel Donald Smaltz, the Justice Department has often impeded the activities of Independent Counsels. *Hearing, "The Current Implementation of the Independent Counsel Act,"* House Committee on Government Reform and Oversight, December 10, 1997. Whether or not you have approved of this release of information about Independent Counsel Starr, or whether you have taken any action to determine the source of the leak is unclear.

2. Leaks Regarding DNC Issue Ads

Leaks are even more prevalent in the Justice Department's campaign finance investigation. The day after Justice Department lawyers interviewed President Clinton regarding his role in crafting DNC "issue ads" promoting his presidency, a senior official in the Justice Department leaked information relating to that interview. Judging from the quote provided to the Washington Post, that senior official clearly gave the reporter the impression that it was unlikely that you would appoint an Independent Counsel:

> "[b]ecause this involves political speech, which clearly falls under the protection of the First Amendment, there is a relatively high threshold for determining what constitutes criminal behavior," said a senior Justice Department official. "There are not a lot of mysteries surrounding how the DNC ads were produced and financed, but whether anything crossed that threshold is another matter." John F. Harris and Roberto Suro, *"Clinton: 1996 'Issue Ads' Passed Legal Test,"* Washington Post, November 10, 1998 (Attachment 4).

As you know, Director Freeh and Mr. La Bella have already indicated that an independent counsel is mandated by law in this matter; yet senior officials on your staff continue to undermine this recommendation.

3. Leaks Regarding the Investigation of John Huang

Your staff also has leaked information regarding the investigation of former DNC Finance Vice-Chair and Presidential appointee John Huang. On October 2, 1998, the Washington Post reported that the Justice Department was no longer seeking to prosecute John Huang:

> Now, instead of pressuring Huang to say what he knows about White House officials in exchange for immunity from prosecution, federal prosecutors are bargaining to get his testimony against Maria Hsia, a California fundraiser already under indictment who played a minor though controversial role in 1996, according to lawyers close to the case.

***

> And a senior Justice Department official said that some investigators have concluded that Huang does not have information that would support the prosecution of the Democratic officials who received and spent the funds he raised or the White House officials who promoted his career in Washington.
>
> As a result, attention has turned to the possibility that Huang might be able to bolster the endangered case against Hsia. Roberto Suro, *"Prosecutors' Approach to Huang Signals Shift in Campaign Probe,"* The Washington Post, October 2, 1998 (Attachment 5).

I have already addressed the disturbing substance of this news story with you in another letter. (Attachment 6) However, it is highly improper for senior Justice Department officials to be discussing with newspaper reporters prosecutorial strategy regarding the central figure in the campaign fundraising scandal, who also happens to be a long-time friend of the President. Again, the irony of your refusal to comply with this Committee's subpoena must be noted. You have refused to produce subpoenaed documents to this Committee because you are afraid that the members of the Committee would publicly disclose a "roadmap" to the investigation. It appears that it is your own Justice Department staff that is disclosing your investigative roadmap and signaling individuals who many would consider major targets that they need not worry about prosecution.

4. Leaks Regarding the La Bella Memorandum

In July 1998, shortly after Charles La Bella, the head of the Campaign Finance Task Force, gave you his memorandum concluding that you were required by law to appoint an Independent Counsel, details of that memorandum were released to the press. Again, unnamed "senior Justice Department officials" released sensitive investigative materials to several newspapers:

> Government sources, even those speaking anonymously, declined to provide specifics on La Bella's report, which runs more than 100 pages. But one source who had read the report said it represents "a fresh approach to everything he [La Bella] has seen" and called for legal conclusions and steps that had not been advanced earlier. Ronald J. Ostrow, *"Report to Reno Urges Independent Counsel on Fund-Raising,"* Los Angeles Times, July 24, 1998 (Attachment 7).
>
> Officials familiar with Freeh's memo last winter and La Bella's current report said that La Bella's includes a much more extensive review of the evidence and makes a firmer conclusion that there are sufficient indications of wrongdoing by top officials to oblige Reno to seek an outside prosecutor. As with the Freeh memo, the basic argument is that top Democratic and White House officials conducted a systematic and deliberate effort to circumvent campaign finance laws setting limits on

> fund-raising and defining what constitutes a legal contribution. Roberto Suro and Michael Grunwald, *"Independent Probe of '96 Funds Urged; Reno Noncommittal on Campaign Report,"* The Washington Post, July 24, 1998 (Attachment 8).

Another leak of the La Bella memorandum occurred in the pages of the Wall Street Journal. There, it was reported that the La Bella memorandum focused on potential wrongdoing by Harold Ickes:

> Charles La Bella's findings, presented in a lengthy memorandum to Ms. Reno, focus sharply on the fund-raising efforts of Harold Ickes, the former deputy White House chief of staff. They form the basis of Mr. La Bella's recommendation that Ms. Reno seek the appointment of an independent counsel. Brian Duffy, *"Campaign Probe Looked at Ickes, Says La Bella,"* The Wall Street Journal, August 3, 1998 (Attachment 9).

This leak included information likely covered by Rule 6(e) of the Federal Rules of Criminal Procedure. As you know, when we were permitted to review a copy of the La Bella memorandum, your staff redacted all grand jury information from the memorandum. The heavily-redacted copy that we reviewed did not contain references to particular individuals such as Harold Ickes. Therefore, someone on you staff concluded that the information about Mr. Ickes was covered by Rule 6(e), or was somehow too sensitive to be reviewed by members of Congress. However, precisely that information was leaked to the press by your staff at the Justice Department.

While you apparently tolerated such public release by your senior staff, you refused to provide the same memorandum to Members of Congress charged with oversight of the Justice Department. In his testimony before the Committee, Mr. La Bella stated that he made only three copies of the memo, one for himself, one for FBI Director Louis Freeh, and one for you. He also told the Committee that at least nine copies of the memorandum were circulated to senior officials in the Justice Department, including political appointees Eric Holder and Robert Litt. Apparently one of the recipients of the nine copies that you distributed leaked the contents of Mr. La Bella's memo.

5. Leaks Regarding Johnny Chung's Testimony

One of the most disturbing leaks to come from the Justice Department concerned the testimony of DNC fundraiser Johnny Chung. After Mr. Chung pled guilty to criminal charges and began cooperating with the Justice Department, details of his testimony, which were reportedly classified, were on the pages of the New York Times and Washington Post:

> A Democratic fund-raiser has told Federal investigators he funneled tens of thousands of dollars from a Chinese military officer to the Democrats during President Clinton's 1996 re-election campaign, according to

> lawyers and officials with knowledge of the Justice Department's campaign finance inquiry.
>
> The fund-raiser, Johnny Chung, told investigators that a large part of the nearly $100,000 he gave to Democratic causes in the summer of 1996 - including $80,000 to the Democratic National Committee - came from China's People's Liberation Army through a Chinese lieutenant colonel and aerospace executive whose father was Gen. Liu Huaqing, the official and lawyers said.
>
> ***
>
> A lawyer for Mr. Chung, Brian A. Sun, declined to comment on his client's conversations with investigators, citing his client's sealed plea agreement with the Justice Department. **"I'm shocked that sources at the Justice Department would attribute anything like that to my client."** Jeff Gerth, *"Democrat Fund-Raiser Said to Detail China Tie,"* New York Times, May 15, 1998 (Attachment 10).
>
> Democratic fund-raiser Johnny Chung has told Justice Department investigators that a Chinese military officer who is an executive with a state-owned aerospace company gave him $300,000 to donate to the Democrats' 1996 campaign, according to federal officials . . . Roberto Suro and Bob Woodward, *"Chung Ties China Money to DNC,"* The Washington Post, May 16, 1998 (Attachment 11).

After this information was released, Democratic members of this Committee attacked Mr. Chung. In violation of an agreement that they made with Mr. Chung, Congressmen Waxman and Kanjorski made statements characterizing a confidential proffer given by Mr. Chung to the Committee. This attack was designed to harm Mr. Chung's credibility, now that he had agreed to cooperate and testify against the Democratic National Committee. I am disturbed that the leak from your investigation triggered this attack on Mr. Chung, and I am troubled that it may have compromised your investigation in some way.

6. Leaks Regarding the "China Plan"

The Justice Department also appears to have leaked reportedly sensitive information relating to the FBI's investigation of Chinese efforts to influence federal elections. In February 1997, The Washington Post published a report describing materials that the newspaper reported as gathered by the FBI through electronic intelligence:

> A Justice Department investigation into improper political fund-raising activities has uncovered evidence that representatives of the People's Republic of China sought to direct contributions from foreign sources to

> the Democratic National Committee before the 1996 presidential campaign, officials familiar with the inquiry said. Bob Woodward and Brian Duffy, *"Chinese Embassy Role in Contributions Probed; Planning of Foreign Donations to DNC Indicated,"* The Washington Post, February 13, 1997 (Attachment 12).

Despite the fact that this sensitive information was leaked, further information reportedly regarding the investigation was again released several months later:

> The evidence also shows links between the Chinese government and several U.S. citizens, including a Democratic fund-raiser in Los Angeles whom several officials characterize as an "agent" for the Chinese. Officials would not provide details of the highly classified intelligence.
>
> ***
>
> The belatedly discovered files indicate that Maria Hsia - a Taiwanese American immigrant who for a decade has raised money for Democratic causes - was "doing the bidding" of Beijing as a Chinese agent, a senior official said. Bob Woodward, *"FBI Had Overlooked Key Files In Probe of Chinese Influence,"* The Washington Post, November 14, 1997 (Attachment 13).

These leaks of reportedly classified intelligence information are very troubling to me. Not only do they potentially compromise an important investigation, they also potentially compromise national security information.

These news reports that I have described in this letter represent merely a portion of the improper and potentially illegal leaks that apparently have come from senior Justice Department sources. I am aware that you have started investigations into some of these leaks. However, I am disturbed that these leaks are continuing unabated. They may potentially undermine the important work of the Department, particularly in the campaign finance investigation. I have sent a copy of this letter to the Office of Professional Responsibility at the Justice Department, so that they can review the history of leaks at the Department, and investigate and determine which senior Justice Department officials are the source of these highly improper leaks.

I have made no secret of my firm belief that this investigation of illegal campaign fundraising must be conducted by an independent counsel. It is clear that you have hopeless conflicts in investigating your own boss. FBI Director Louis Freeh and chief prosecutor Charles La Bella have presented you with detailed explanations of why the appointment of an independent counsel for this entire investigation is mandated by law. However, you have for nearly two years resisted taking this step, apparently on the counsel of political appointees in your department. I hope that you understand that as long as important decisions about the course of this investigation are being made by

political appointees, this unending stream of leaks will continue to appear politically motivated.

Sincerely,

Dan Burton
Chairman

Attachments

cc: H. Marshall Jarrett, Counsel, Office of Professional Responsibility
The Honorable Henry Waxman

ATTACHMENT
1

Reno's Aides Split on Merits Of Need for Gore Prosecutor

By DAVID JOHNSTON NYT 11-24-97

WASHINGTON, Nov. 23 — Several of Attorney General Janet Reno's close aides advised her today in a private meeting at the Justice Department that Federal law required her to seek an independent counsel to investigate Vice President Al Gore's political fund-raising efforts, law-enforcement officials said.

But other advisers at the meeting disputed that interpretation of the law. Ms. Reno, who must decide the issue by Tuesday, is still considered likely to reject such an appointment, the officials said, a move that would spare Mr. Gore further scrutiny at a critical phase of his effort to solidify his Presidential credentials.

Ms. Reno has remained taciturn. At the conclusion of today's meeting, she told her aides that she was unprepared to declare whether she had decided to refer the allegations about Mr. Gore's case to an outside prosecutor, the officials said. The debate, said one official, was "spirited."

At issue in Mr. Gore's case is whether the independent counsel law permits Ms. Reno to close an inquiry when there are relevant facts in dispute — in this case conflicting witness accounts of senior campaign officials who, along with Mr. Gore, attended a Nov. 21, 1995, White House fund-raising meeting.

Some participants of the meeting recalled discussing how the money raised by Mr. Gore would be divided for direct and indirect campaign efforts, others said that was not discussed and a few could not recall the meeting's specifics, law-enforcement officials said.

In light of the conflicting accounts, the split among her top aides reflects a longstanding legal debate within the Justice Department about how to interpret a key provision of the independent counsel statute. One side says the law clearly dictates seeking an independent counsel when contradictory evidence cannot be resolved. The other side is arguing that Ms. Reno is not obligated to seek an independent counsel because the case, partly based on whether the money Mr. Gore raised was used legally, is so technical that a prosecutor would be unlikely to obtain an indictment.

Ms. Reno's decision in the Gore case is the first of three independent counsel decisions that she must make in the next two weeks. Under the independent counsel statute, Ms. Reno has 90 days to decide whether to go forward with an inquiry. The three-month period for Mr. Gore ends on Tuesday. After Mr. Gore, she must decide next week whether to seek an appointment in the case of Harold M. Ickes, the former White

Continued on Page A21

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Aides Split On Prosecutor In Gore Case

A21 11-24-97
NYT

Continued From Page A1

House deputy chief of staff.

In December, Ms. Reno must decide whether to seek an outside counsel to investigate whether President Clinton and his aides broke the law when they set up a multimillion-dollar advertising campaign financed by the Democratic National Committee. Federal rules limit such advertising campaigns to generic party commercials, but Federal Election Commission auditors have said the advertisements directly supported the Clinton-Gore campaign.

Ms. Reno, who has referred accusations against six Clinton Administration officials to independent prosecutors, has never allowed an outside counsel to review any issue directly related to how the Democrats financed the 1996 campaign, although she has considered the issue on several occasions.

In part, officials said they believed that Ms. Reno's unwillingness to open the Democrats to the potentially sweeping scrutiny of an independent prosecutor stemmed from a view within the Justice Department that the loosely written campaign finance laws offered little traction for prosecutors trying to seek evidence of criminal conduct.

Nevertheless, Republicans in Congress have repeatedly attacked Ms. Reno, accusing her of blatantly using her office as a political shield for the White House, protecting not only Mr. Clinton, but also the Democratic Party. She opened the inquiries into Mr. Gore, Mr. Ickes and Mr. Clinton, only after Charles G. La Bella wrote her a memorandum recommending an independent counsel. Mr. La Bella's memorandum came after Director Louis J. Freeh of the F.B.I. had reached a similar conclusion. Should Ms. Reno decide not to seek an independent counsel for the three inquiries, it would almost certainly provide Republicans with more ammunition to attack the Administration.

Within the Justice Department, officials said Ms. Reno's narrow view of the law — in the campaign finance context — was based on a different perception that some independent counsels have misused the offices.

Ms. Reno has been said by some aides to have expressed concern about the conduct of more than one independent counsel. She has disapproved of some tactics, for example, when prosecutors unfairly expose low-level witnesses to the expense and embarrassment of criminal inquiries that seemed to continue and expand long after departmental prosecutors would have dropped them.

Although Ms. Reno has been careful to avoid voicing her complaints in public, some of her aides have criticized the conduct of Kenneth W. Starr, the Whitewater prosecutor, and Donald C. Smaltz, the prosecutor who has investigated Mike Espy, the former Agriculture Secretary.

In Mr. Gore's case, Ms. Reno opened an inquiry in September after a memorandum surfaced with an aide's handwritten notes that seemed to shed new light on Mr. Gore's role. The notes suggested that Mr. Gore could have known much more about the regulatory limits on his fund-raising than the Vice President had acknowledged.

Mr. Gore has said he did not realize that some of the large contributions he solicited in phone calls from his White House office would be divided into different Democratic Party accounts. But the memorandum, in which Mr. Gore was said to have remarked, "Count me in," on making fund-raising phone calls, suggested that he could have known that the money he raised would be split between hard and soft money accounts.

Contributions known as soft money can be used only for limited purposes to finance general party activities like registration drives. They are unregulated. Hard money is regulated and subject to limits, and was spent directly on Clinton-Gore reelection efforts.

The seemingly technical question of whether Mr. Gore knew the distinction between hard and soft money is significant because Ms. Reno has said that any solicitations for the Clinton re-election effort — that is, solicitation of hard money — by the President or the Vice President could have been illegal. She reasoned that under election laws, Mr. Clinton and Mr. Gore were prohibited, as Federal officials, from soliciting money on Government property.

NATION

No outside counsel likely in probe of Gore campaign calls

Jerry Seper
WASHINGTON TIMES

Attorney General Janet Reno is pected today to reject — for a cond time — the question of ether to seek the appointment an independent counsel to in-stigate possible campaign fi-nce abuses by Vice President Al re.

Lawyers in the Justice Depart-ent's criminal division have com-eted a 90-day preliminary in-iry into accusations that Mr. re misled government officials en they asked about funds he ised on his White House office ephone during the 1996 pres-ential campaign.

They made their findings known the attorney general over the weekend. Department officials said they believe the attorney general will reject accusations that there is specific and credible evidence of criminal wrongdoing.

Although the 90-day time period expires today, Miss Reno is expected to wait until "the last minute" to make her decision known to a three-judge panel of the U.S. Circuit Court of Appeals for the D.C. Circuit, which would name an outside prosecutor in the case.

A similar review last year cleared Mr. Gore of any wrongdoing when Miss Reno said there was a lack of credible evidence to show that Mr. Gore had violated the law.

Two other preliminary investigations by the Justice Department are under way, with decisions due by Dec. 7 on whether an outside prosecutor is warranted. They include accusations that President Clinton and his 1996 election campaign illegally evaded federal spending limits through the use of issue-advocacy ads, and whether former senior White House official Harold Ickes lied to a Senate committee probing campaign finance abuses.

In the Gore probe, the vice president has acknowledged making 45 telephone calls from his office during the campaign but denied violating the law. He said last year there was "no controlling legal authority" showing any violation of campaign finance laws "whatsoever in the manner in which I asked people to contribute to our re-election campaign."

But federal law enforcement authorities refocused this year on Mr. Gore's acknowledged campaign solicitations after his public comments concerning the calls were contradicted by handwritten notes on a White House memo discovered by Justice Department investigators. The notes show Mr. Gore and several campaign officials discussed how "soft money" contributions he sought — meant for general Democratic campaign purposes — would be diverted to "hard money" donations directly to the Clinton-Gore re-election effort.

The notes, written by David Strauss, Mr. Gore's former deputy chief of staff, are said to describe a 65 percent, 35 percent split of soft and hard money for the Democratic National Committee.

Using soft money donations for direct campaign activities is against the law.

In the two other preliminary probes, Justice Department lawyers have focused on concerns by the Federal Election Commission, which questioned nearly $40 million spent by labor unions during the 1996 campaign on political ads that the unions described as issue advocacy-based — meaning they did not call for a specific candidate's election or defeat. Such ads fall outside federal election spending limits unless they are coordinated through political parties or candidates.

The FEC subpoenaed records earlier this year from several unions, the Democratic National Committee, the Democratic Senatorial Campaign Committee and the Democratic Congressional Campaign Committee, expressing concern the ads pushed the legal limits by advocating specific positions of various candidates without actually naming them.

FEC investigators have been concerned that the 1996 Clinton campaign improperly directed spending for the ads in various television markets, and that Mr. Clinton was directly involved — although no charges have ever been brought.

An FEC audit recommended that the Clinton/Gore campaign repay $13.4 million in federal matching funds received during the 1996 primaries.

ATTACHMENT 2

ATTACHMENT
3

NATIONAL AFFAIRS

Starr on the Stand

Under siege, the prosecutor—mystified and, as he puts it, 'vexed' about his low standing—prepares to face tough questions. BY DANIEL KLAIDMAN



DAVID HUME KENNERLY FOR NEWSWEEK

FOR THE PAST WEEK, THE DRAB conference room of the Office of Independent Counsel has been serving as a stand-in for the ornate hearing room of the House Judiciary Committee. There, behind closed doors, Ken Starr's team of lawyers has been firing practice questions at the independent counsel, the first, and possibly the only, witness in the impeachment proceedings against President Clinton. Starr is looking forward to "the opportunity," he told one close friend, "however nasty the questions are." Starr's poll numbers are dipping into the single digits. The independent counsel is mystified—"vexed" is the word he uses—by the degree of public calumny against him. Last Friday, NEWSWEEK has learned, the usually even-tempered Starr suddenly launched into an impassioned soliloquy. Where's the outrage? the prosecutor wondered aloud to his staff. "How can this be accepted by the public and the Congress?" The lesson, he warned, is that "stonewalling works. The lies are maintained and then you can change the focus to the prosecutor." Sources tell NEWSWEEK that Starr plans to use the hearing to argue that the Lewinsky affair is part of a broader pattern of obstruction. He will make the case that he used the same time-honored tactics all prosecutors do. He believes, says a friend, that "the American people are going to see it through his eyes for the first time."

Will it work? Democrats on Capitol Hill and the White House profess to be worried that Starr will be another Oliver North, a surprisingly effective witness in his own behalf, if for no other reason than that expectations are so low. But Starr, not the president, may be the real defendant. At times Starr and his team have been clumsy and heavy-handed. Lacking experience as a prosecutor, Starr at first failed to rein in his zealous team, then inflated the investigation into a moral crusade.

Still, he plunges ahead. Late last week he sent another batch of evidence to Capitol Hill, not a formal impeachment "referral" this time, but rather testimony about Kathleen Willey's allegations that she was the victim of an unwanted sexual advance by the president in November 1993. Starr's team believes that Clinton lied to the grand jury when he denied making a pass at Willey. The new evidence includes testimony from some of Willey's co-workers, who corroborate some details of Willey's ac-





count—and allegations that the president's lawyer Robert Bennett tried to discuss her impending testimony with her last fall. Bennett has said he was merely trying to reassure Willey—at the request of her lawyer—that he was not hostile. Even so, it remains a he said/she said case. In a last-ditch effort on the Whitewater investigation, Starr indicted—for the third time—Clinton friend and former top Justice Department official Webster Hubbell. Starr's deputies have long suspected that Hubbell was paid off to keep quiet about criminal wrongdoing in Whitewater. But the most they were able to throw at Hubbell last week were warmed-over charges that he lied to Congress and federal regulators about an obscure Arkansas financial deal in the mid-'80s. Through his lawyer, John Nields Jr., Hubbell said that "It is not normal for a prosecutor to keep indicting the same person over and over again." There are references in the indictment to Hillary Clinton's missing law-firm billing records—but no allegation of wrongdoing by the First Lady. A White House official dismissed Starr's latest move as "an effort to kick up dust."

War games: *Starr with his staff inside his Washington office last week; spokesman Charles Bakaly is in the background*

Some of that dust may stick to Starr. NEWSWEEK has learned that the Justice Department is close to launching a formal ethics probe into at least one episode of Starr's handling of the Lewinsky investigation. On the night the independent counsel's deputies first confronted Lewinsky last January and tried to "flip" her—make her a cooperating witness—Lewinsky asked to talk to her lawyer, Frank Carter. According to Lewinsky's later testimony before the grand jury, Starr's deputies discouraged her. The prosecutors, she said, told her that Carter was not a criminal lawyer (in fact, he had run the public-defenders program in D.C.'s criminal courts). And they suggested that if she called her lawyer, she risked losing her chance to get immunity from prosecution. Without immunity, they warned, she faced 27 years in prison. Weeping, Lewinsky said she wanted to call her mother. Starr's top deputy, Jackie Bennett, scoffed, "You're old enough, you don't need to call your mommy." Under Justice Department rules for all federal prosecutors, it is unethical to keep criminal suspects from calling their lawyers. Starr's deputies contend that at the time Carter was a potential target of their investigation—though it later turned out he did nothing wrong. In the end, Lewinsky did call her mother and refused to talk to the Feds until she had consulted a lawyer.

Democrats are eager to go after Starr and his tactics at this week's hearing. He may be accused of neglecting to report evidence

that might have undermined the credibility of his key witness, Monica Lewinsky. Clinton defenders point to the testimony of a woman who interviewed Lewinsky for a job in New York. After the interview, Lewinsky preposterously bragged that Hillary Clinton had offered to help find her an apartment.

The Democrats may be able to chip away at Starr and his case against Clinton. Even so, it still appears that the Judiciary Committee, dominated by conservatives, will vote along party lines to impeach Clinton. The real question is what happens when the whole House votes on Clinton's fate, possibly sometime before Christmas. Many Republicans—including Rep. Bob Livingston, who is expected to succeed Newt Gingrich as speaker this week—appear to want the whole scandal to just go away. By early next year only Ken Starr may remain embattled. He will be busy defending investigations against his office—for leaking and other prosecutorial misconduct. His final legacy? Next year Congress is supposed to renew the law requiring a special prosecutor to investigate criminal allegations against top federal officials. After Starr's probe, Washington may just let the law quietly expire.

With MARK HOSENBALL *and* MICHAEL ISIKOFF

Time to Close Up Shop

Had enough of Starr & Co.? The case for abolishing the independent-counsel statute. By STUART TAYLOR JR.

TEN YEARS AGO JUSTICE Antonin Scalia foresaw just about everything about the independent-counsel law. "[T]he independent counsel ... operating in an area where so little is law and so much is discretion," wrote Scalia in a lone dissent from the Supreme Court's 1988 decision upholding the law, "is intentionally cut off ... from the perspective that multiple responsibilities provide ... How frightening it must be to have your own independent counsel and staff appointed, with nothing else to do but to investigate you [and with no] competing responsibilities."

Bill Clinton—and the four current or former cabinet members now being pursued by independent counsels—would surely nod in vigorous agreement. Once a supporter of the statute, I now believe the cure of the independent-counsel law is even worse than the risk that some lawlessness in high places may go unpunished. Congress should let the law die when it comes up for review next summer.

Why? Because, as Scalia predicted, too much has gone wrong with the system of independent counsels. They are lawyers who are appointed by a panel of judges at the request of the attorney general. A statutory hair trigger means that "covered persons," mostly high executive-branch officials, almost automatically get an independent counsel once a credible charge of criminality has been leveled. This can force independent probes of allegations that Justice doesn't consider serious. The prosecutors are then given an essentially unlimited budget and can only be fired for "good cause," which may be difficult to prove.



DAVID HUME KENNERLY FOR NEWSWEEK

Expiration date: *Whither the statute that gave us Starr?*

Prosecutors thus quickly become fixtures, feeding the unhealthy Washington obsession with scandal. "The notion that every violation of law should be prosecuted, including—indeed, especially—every violation by those in high places, is an attractive one," Scalia wrote. "... The reality is, however, that it is not an absolutely overriding value ... [T]he benefits of this legislation are far outweighed by its harmful effect upon our system of government." The effects? A weakened presidency is one; another is subjecting high officials to a uniquely merciless brand of prosecutorial scrutiny—which is at best a distraction and at worst debilitating.

The current mess isn't entirely—or even mostly—Starr's fault. Clinton's own Justice Department understands that an independent counsel had to investigate the Clinton-Lewinsky evidence. The statute requires the attorney general to seek an independent counsel whenever she receives "specific" and "credible" evidence implicating the president. So even if Tripp had instead taken her tapes to Janet Reno, the statute would have required Reno to seek the appointment of someone (if not Starr) as independent counsel.

The statute actually has few friends. Most Democrats believe that prosecutors should not have pestered Clinton over his Lewinsky lies, and would logically oppose the law's renewal in its current form. Meanwhile, many Republicans who thought the statute led to "partisan political fishing expeditions" (Bob Dole's words) during the Reagan and Bush administrations may decide it's time to deep-six the current system.

But wouldn't high-level lawlessness then run unchecked? Not really. History shows that when a truly major allegation of presidential wrongdoing comes to light, political pressure tends to force Justice to appoint a special prosecutor. This would still happen even if the statute were abolished. Such special prosecutors—Archibald Cox was one—are usually able to conduct probes that in fact have a large degree of independence. Justice may be better at picking prosecutors to handle such matters than judges anyway: Cox, Leon Jaworski and Robert Fiske were all named by Justice, not by judges, and all were arguably better-suited for their jobs than Starr or Lawrence Walsh. To be sure, some forms of wrongdoing might go unexposed, but there may be—as we've seen this year—worse things than that.

TAYLOR, *a senior writer at National Journal, is a contributing editor for* NEWSWEEK

Clinton: 1996 'Issue Ads' Passed Legal Test

Attorneys Had Reviewed Spots, President Says in Interview With Justice Dept. Staff

By JOHN F. HARRIS and ROBERTO SURO
Washington Post Staff Writers

Facing Justice Department investigators in a 90-minute interview at the White House, President Clinton said yesterday he and his political team had been assured by lawyers that the Democratic "issue advertisements" they orchestrated during the 1996 campaign were legal.

Clinton met voluntarily with two Justice Department lawyers and two FBI investigators in the Treaty Room on the second floor of the White House, according to advisers. The session was part of a 90-day inquiry Attorney General Janet Reno is conducting to determine whether to request the appointment of an independent counsel to investigate Clinton's role in supervising a massive ad campaign paid for by the Democratic National Committee.

Reno, who launched her review after a preliminary report by the Federal Election Commission concluded that Clinton illegally benefited from the party ads, has until Dec. 7 to decide whether to ask a special court to install an independent counsel.

Clinton's defense has been that the Democratic ad campaign, which cost $44 million or more in 1995 and 1996, was legal, but that even if it were not prosecutors must show an intent to break the law. If lawyers told him the ads were legal, the reasoning goes, there was no way the president could have meant to violate the law.

This is essentially what Clinton told his Justice Department interrogators yesterday, according to sources familiar with his testimony.

White House officials said little publicly about the session. In a written statement, Clinton's private attorney, David E. Kendall, said, "As the president has previously announced, he is cooperating fully with this investigation and voluntarily agreed when an interview was requested."

In recent weeks, the Justice Department has busily been conducting interviews for the case. Vice President Gore is to be interviewed later this week, his private attorney, James Neal, said yesterday. White House senior adviser Douglas B. Sosnik, who served as White House political director during the 1996 campaign, was interviewed late last month.

Yesterday marked the ninth time Clinton has been interviewed in various criminal or civil proceedings since he became president, either as the target of an investigation or a witness in other cases.

Clinton was interviewed almost a year ago by the Justice Department when investigators were examining whether he violated the law by making telephone fund-raising solicitations from the White House; Reno

See CAMPAIGN, A7, Col. 1

Clinton Defends Legality of 1996 Ads in Justice Dept. Review of Campaign

CAMPAIGN, From A6

chose not to seek an independent counsel in that case.

This fall, Reno is conducting three simultaneous inquiries into various aspects of Democratic fund-raising in 1996.

In addition to the probe of Clinton, Reno is to decide by Nov. 24 whether an outside inquiry is necessary to determine if Gore made false statements to federal investigators last year. There is no allegation that Gore tried to hide potentially unlawful activity. Instead, this investigation focuses on the narrow question of whether Gore had more complete and accurate information about DNC bookkeeping practices than he acknowledged in an interview with Justice prosecutors and FBI agents.

By Nov. 30, Reno is scheduled to determine whether to seek an independent counsel to investigate allegations that Harold M. Ickes, a former deputy White House chief of staff, made false statements to a congressional committee that was asking him about Clinton administration efforts on behalf of the Teamsters Union in 1996.

Clinton is under scrutiny for the use of issue advertisements by the DNC during the 1996 campaign—ads largely financed by the party that promoted Clinton's views while not directly mentioning his reelection. Even as Reno has been conducting her investigation, the same kind of television advertisements implicitly backing other candidates filled the airwaves in advance of last Tuesday's election because Democrats and Republicans are convinced the practice is legal.

"Because this involves political speech, which clearly falls under the protection of the First Amendment, there is a relatively high threshold for determining what constitutes criminal behavior," said a senior Justice Department official. "There are not a lot of mysteries surrounding how the DNC ads were produced and financed, but whether anything crossed that threshold is another matter."

Clinton's defenders argue that the law in this area is murky and that every reasonable effort was made to ensure that the 1996 reelection effort did not overstep the law.

"We've told the Justice Department that we perceived this as a gray area of the law in 1996, and that it is a still a gray area, but that nonetheless we applied the law as best we could," said Joseph E. Sandler, the DNC's general counsel, who was recently interviewed by federal investigators on the Clinton case.

Sandler noted, for example, that he and other attorneys reviewed every ad before it was broadcast and successfully argued for modifications whenever they objected to the content. Justice officials acknowledged that proving such actions by DNC lawyers could make it difficult to allege that there was any knowing or willful intent to break the law.

Prosecutors' Approach to Huang Signals Shift in Campaign Probe

By ROBERTO SURO
Washington Post Staff Writer

For nearly two years, campaign finance investigators have viewed John Huang, a friend of President Clinton's and a top money man in the 1996 campaign, as a key to discovering whether misconduct extended to the top ranks of the Democratic Party or even to the Oval Office.

Now, instead of pressuring Huang to say what he knows about White House officials in exchange for immunity from prosecution, federal prosecutors are bargaining to get his testimony against Maria Hsia, a California fund-raiser already under indictment who played a minor though controversial role in 1996, according to lawyers close to the case.

Granting Huang immunity for information about a subordinate rather than a superior would mark a major reversal for the Justice Department, which has frequently promised that the campaign finance investigation would proceed from low-level figures to those who allegedly masterminded illegal fund-raising schemes.

The change in course on Huang comes as Attorney General Janet Reno is conducting three separate preliminary investigations to determine whether an independent counsel should look into campaign-related allegations against Clinton, Vice President Gore and former deputy White House chief of staff Harold M. Ickes. Those investigations are due to be completed by early December.

So far, the Justice Department's two-year-old campaign finance task force has resulted in charges against 12 persons, most of them relatively low-level fund-raisers or contributors such as Hsia.

Last month, the task force suffered a major setback when U.S. District Judge Paul L. Friedman tossed out five of the six charges against Hsia, a ruling that could undermine the legal theory used not only in her case but also in several of the other prosecutions. Friedman found that prosecutors had used "highly technical and inventive reasoning" to charge Hsia with causing the submission of false statements to the Federal Election Commission about the true identity of campaign donors.

"The ruling potentially has major significance because it will make it more difficult to use criminal statutes in cases that involve election law violations which are usually treated as civil matters," said GOP election lawyer Jan Baran. Senior Justice Department officials said an appeal of the ruling is likely.

Friedman's ruling let stand a single charge that Hsia, an immigration consultant and longtime Democratic Party activist, conspired to disguise illegal contributions from a Taiwan-based Buddhist organization following a controversial 1996 campaign event at a California temple. The event was part of Huang's fund-raising drive in the Asian American community and was attended by Gore.

Prosecutors first sought Huang's cooperation in the Hsia case before Friedman's ruling, but were unable to reach an agreement with his attorney, Ty Cobb, according to lawyers familiar with the talks.

Huang's status in the overall Justice investigation remains unclear, and he could still face indictment. But the lawyers said there have been no discussions with prosecutors that would lead to his testimony against senior Democratic Party or White House officials. And since Friedman's ruling, they said, prosecutors have come back again to seek Huang's testimony regarding Hsia as part of a proposed deal that would remove the possibility that he would face any future charges—either through a plea agreement or an outright grant of immunity.

Huang first befriended Clinton in the early 1980s when his longtime employer, the Indonesia-based Lippo Group conglomerate, made major investments in Arkansas. After some successful fund-raising for Democrats in California, Huang was named a deputy assistant secretary of commerce in 1994. When the presidential reelection campaign got underway, Huang moved to the Democratic National Committee as vice chairman for finance, where his efforts to raise money from affluent Asian Americans succeeded beyond expectations.

Following the 1996 election, however, the DNC returned $1.6 million raised by Huang because it came from foreign nationals, who are ineligible to make campaign contributions, or because the origin of the money was cloudy. Since then, Huang has been at the center of allegations ranging from the relatively minor claim that the DNC failed to adequately screen donations to the still-unsubstantiated charges that the government of China attempted to influence the 1996 election by directing money to the Clinton campaign.

Because his fund-raising brought him into contact with top officials in the campaign and the White House, including Clinton, some Justice Department investigators and many Republican critics of Clinton's campaign finance methods long argued that Huang could implicate top Democrats in an alleged scheme to knowingly collect illegal foreign donations.

But after a year-long, $3 million investigation of fund-raising in the 1996 presidential campaign, Republicans on the Senate Governmental Affairs Committee concluded that "what emerges from the Committee's investigation is a picture of Huang both complex and vexing, which raises as many questions as it answers."

And a senior Justice Department official said that some investigators have concluded that Huang does not have information that would support the prosecution of the Democratic officials who received and spent the funds he raised or the White House officials who promoted his career in Washington.

As a result, attention has turned to the possibility that Huang might be able to bolster the endangered case against Hsia.

ATTACHMENT 5

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INDEPENDENT

ATTACHMENT 6

October 2, 1998

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Dear General Reno:

I am writing with regard to a report in the *Washington Post* today suggesting that the Justice Department is considering granting full immunity to John Huang, a longtime friend of the President and major DNC fundraiser.

While you continue to protest the Committee on Government Reform and Oversight's request for the Freeh and La Bella memoranda, your staff has repeatedly leaked material from these memoranda, as well as other task force information and records. Much of the improperly leaked information is protected by grand jury secrecy rules according to your own analysis of the rules, and some of it provides a road map to the course of your ongoing campaign finance investigations. This, of course, is not new information.

Today, however, the latest disturbing episode involving your campaign task force has come to our attention. In an article titled "Prosecutors' Approach to Huang Signals Shift in Probe," the *Washington Post* provides an extensive discussion of John Huang's role in the Department of Justice campaign finance task force investigation (article attached). The idea that John Huang, a central figure in the millions of dollars in illegal foreign money which flowed into the DNC, would be granted immunity at this point for a case involving a lesser figure strikes me as absurd. While I understand this report may very well be inaccurate, I would note that to proceed in such a manner would be tantamount to giving Al Capone immunity to testify against his tax preparer.

Regardless of the veracity of the report, the very troubling aspect of this article is the fact that a "senior Justice Department official" is cited as essentially dismissing the case against John Huang. At a time that you are arguing that you cannot give this Committee information that would provide a road map to the investigation -- a misplaced argument because we have never sought such information -- you appear content to stand by while the Washington Post points out that "a senior Justice Department official said that some investigators have concluded that Huang does not have information that would support the prosecution of the Democratic officials who received and spent the funds he raised or the White House officials who promoted his career in Washington." This statement is a microcosm of all that is wrong with your decision to supervise the campaign finance investigation.

Let me point out some of the easily identifiable problems:

- This statement by "a senior Justice Department official" inappropriately diminishes Huang's relevance and importance to the overall investigation.

- This statement and article sends a message to Huang's defense attorneys that might embolden them to hold out in the event that deals were being discussed. The underlying information is confidential and goes to the heart of how the case against Huang will proceed. And yet we read about such confidential prosecutorial matters in the *Washington Post.*

- This report indicates that there are in fact *conclusions.* Has the Task Force *finished* its investigation? Your new Task Force head David Vicenanzo has barely got his feet wet in this investigation and your staff is announcing "that some investigators have concluded" various things about John Huang. Did Mr. Vicenanzo approve this statement? Did he have an opportunity to review this statement?

- Your staff have been asking this Committee for months to refrain from using specific information that is relevant to the case against Huang. The Department also has refused to support any committee requests for immunity in connection with low level witnesses with information about John Huang. Yet, now your "senior Justice Department official" is sending a message with the Department of Justice's imprimatur that there isn't much to the Huang case. It almost appears that you are preventing Congress from telling the American people what we have learned under the guise of not interfering with your prosecution, while your own employees go out and undermine the prosecution.

The conclusion is simple. If you had obeyed the law and appointed an Independent Counsel to investigate campaign finance matters -- as Director Freeh and Campaign Financing Task Force head Charles La Bella had recommended and said that you were legally required to do -- you would not have "a senior Justice Department official" undermining your own prosecution. This episode brings to mind the situation in the early days of your investigation

when the FBI refused to give sensitive information about campaign finance issues to your staff at the Department of Justice because the FBI felt that it could not trust your staff. This was appalling. To make matters worse, you did not even recognize a conflict of interest. It is even more troubling that you have allowed the political appointees at the Department to continue their involvement in this investigation.

The message sent by your "senior Justice Department official" is inexcusable. Unless you can find this person and fire him or her immediately, you have no alternative but to remove yourself and your staff from any involvement with the campaign finance investigation. It is beyond clear that you are hopelessly conflicted in this matter -- something the FBI Director and your own hand-picked prosecutor have been telling you for months.

Sincerely,

Dan Burton
Chairman

cc: David Vicenanzo

Prosecutors' Approach to Huang Signals Shift in Campaign Probe

By Roberto Suro
Washington Post Staff Writer

For nearly two years, campaign finance investigators have viewed John Huang, a friend of President Clinton's and a top money man in the 1996 campaign, as a key to discovering whether misconduct extended to the top ranks of the Democratic Party or even to the Oval Office.

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Granting Huang immunity for information about a subordinate rather than a superior would mark a major reversal for the Justice Department, which has frequently promised that the campaign finance investigation would proceed from low-level figures to those who allegedly masterminded illegal fund-raising schemes.

The change in course on Huang comes as Attorney General Janet Reno is conducting three separate preliminary investigations to determine whether an independent counsel should look into campaign-related allegations against Clinton, Vice President Gore and former deputy White House chief of staff Harold M. Ickes. Those investigations are due to be completed by early December.

So far, the Justice Department's two-year-old campaign finance task force has resulted in charges against 12 persons, most of them relatively low-level fund-raisers or contributors such as Hsia.

Last month, the task force suffered a major setback when U.S. District Judge Paul L. Friedman tossed out five of the six charges against Hsia, a ruling that could undermine the legal theory used not only in her case but also in several of the other prosecutions. Friedman found that prosecutors had used "highly technical and inventive reasoning" to charge Hsia with causing the submission of false statements to the Federal Election Commission about the true identity of campaign donors.

"The ruling potentially has major significance because it will make it more difficult to use criminal statutes in cases that involve election law violations which are usually treated as civil matters," said GOP election lawyer Jan Baran. Senior Justice Department officials said an appeal of the ruling is likely.

Friedman's ruling let stand a single charge that Hsia, an immigration consultant and longtime Democratic Party activist, conspired to disguise illegal contributions from a Taiwan-based Buddhist organization following a controversial 1996 campaign event at a California temple. The event was part of Huang's fund-raising drive in the Asian American community and was attended by Gore.

Prosecutors first sought Huang's cooperation in the Hsia case before Friedman's ruling, but were unable to reach an agreement with his attorney, Ty Cobb, according to lawyers familiar with the talks.

Huang's status in the overall Justice investigation remains unclear, and he could still face indictment. But the lawyers said there have been no discussions with prosecutors that would lead to his testimony against senior Democratic Party or White House officials. And since Friedman's ruling, they said, prosecutors have come back again to seek Huang's testimony regarding Hsia as part of a proposed deal that would remove the possibility that he would face any future charges—either through a plea agreement or an outright grant of immunity.

Huang first befriended Clinton in the early 1980s when his longtime employer, the Indonesia-based Lippo Group conglomerate, made major investments in Arkansas. After some successful fund-raising for Democrats in California, Huang was named a deputy assistant secretary of commerce in 1994. When the presidential reelection campaign got underway, Huang moved to the Democratic National Committee as vice chairman for finance, where his efforts to raise money from affluent Asian Americans succeeded beyond expectations.

Following the 1996 election, however, the DNC returned $1.6 million raised by Huang because it came from foreign nationals, who are ineligible to make campaign contributions, or because the origin of the money was cloudy. Since then, Huang has been at the center of allegations ranging from the relatively minor claim that the DNC failed to adequately screen donations to the still-unsubstantiated charges that the government of China attempted to influence the 1996 election by directing money to the Clinton campaign.

Because his fund-raising brought him into contact with top officials in the campaign and the White House, including Clinton's some Justice Department investigators and many Republican critics of Clinton's campaign finance methods long argued that Huang could implicate top Democrats in an alleged scheme to knowingly collect illegal foreign donations.

But after a year-long, $3 million investigation of fund-raising in the 1996 presidential campaign, Republicans on the Senate Governmental Affairs Committee concluded that "what emerges from the Committee's investigation is a picture of Huang both complex and vexing, which raises as many questions as it answers."

And a senior Justice Department official said that some investigators have concluded that Huang does not have information that would support the prosecution of the Democratic officials who received and spent the funds he raised or the White House officials who promoted his career in Washington.

As a result, attention has turned to the possibility that Huang might be able to bolster the endangered case against Hsia.

NATION

Report to Reno Urges New Probe of Democratic Fund-Raising

■ Politics: Prosecutor who led investigation urges independent counsel after inquiry. Attorney general will seek advice before deciding, she says.

By RONALD J. OSTROW
TIMES STAFF WRITER

WASHINGTON—In the coming weeks, Atty. Gen. Janet Reno and her top advisors will be weighing a strong new recommendation from the former head of the illegal donations inquiry that she turn over the controversial probe to an independent counsel.

In a report summarizing his analysis of the law and facts he gathered as lead prosecutor in the investigation, Charles G. LaBella has greatly intensified political pressure on Reno to change her position and recommend appointment of an outside prosecutor to explore evidence against high-level government officials and Democratic Party fund-raisers.

Added to an earlier recommendation by FBI Director Louis J. Freeh that the Justice Department step aside, LaBella's report shows that two of the attorney general's most trusted investigators on the matter agree with Republican critics that the time is overdue for an outside prosecutor to take over the politically charged case.

The recommendation by LaBella, now acting U.S. attorney in San Diego, prompted a request for him, Freeh and James V. Desarno Jr., the FBI's chief political fund-raising investigator, to testify Thursday before the House Government Reform and Oversight Committee.

Confirming that she was reviewing LaBella's report, which was submitted July 16, Reno said: "I review all new information or conclusions or anything that is relevant to the issue of whether an independent counsel should be appointed and the statute triggered. . . . When I determine that it is triggered, I will trigger it."

At the same time, Reno made clear at her weekly briefing for reporters that she also would consult other department officials, who have counseled against appointing an independent prosecutor in the past.

"There are a range of lawyers within the department who have had long experience with the Independent Counsel Act," Reno said. "What we do is hear from everybody, not just one lawyer, but everybody. And we make sure that we try to consider all arguments and reach the best decision."

Government sources, even those speaking anonymously, declined to provide specifics on LaBella's report, which runs more than 100 pages. But one source who had read the report said it represents "a fresh approach to everything he [LaBella] has seen" and called for legal conclusions and steps that had not been advanced earlier.

Although the report does not recommend the investigation of specific individuals, it does analyze the activities of top government officials and their knowledge of possible wrongdoing, including President Clinton, Vice President Al Gore and others involved in Clinton's 1996 campaign.

LaBella's report contends that the mandatory provisions of the Independent Counsel Act, which deal with administration officials covered [illegible]he law, and its discretionary provisi[illegible]ich allow Reno to go outside her department to avoid a conflict of interest in investigating the administration she serves, call for an outside prosecutor in this case.

Reno brought in LaBella, a San Diego federal prosecutor with a reputation for hard-charging initiative, in October to revitalize the investigation.

The Justice Department's campaign fund-raising task force has brought charges against 11 people, most of them Democratic fund-raisers, for allegedly channeling illegal foreign contributions and other questionable funds into Clinton's reelection effort.

LaBella's report, one source said, reflects the frustration he encountered in arguing against veteran officials of the department's public integrity section—including its chief, Lee Radek, and Robert Litt, formerly in the Justice Department's criminal division and now a principal in the deputy attorney general's office.

The dispute over seeking an independent counsel, according to sources supporting LaBella's view, mirrors the traditional strains between Washington managers and often more aggressive field prosecutors. LaBella contended that Reno was given "bad advice" by those who advocated a more restrained, cautious approach in applying the independent counsel provisions.

Sen. Orrin G. Hatch (R-Utah), who long has pushed Reno to turn over the investigation to an independent counsel, said he did not believe Reno could ignore LaBella's recommendation. The chairman of the Senate Judiciary Committee, Hatch emphasized Freeh's own call for such action.

Freeh's recommendation went to Reno in a memorandum in November, but it regained attention last week when Sen. Fred Thompson (R-Tenn.) quoted its conclusion, based on an oral summary the FBI director had given him, at a Senate hearing. "It is difficult to imagine a more compelling situation for appointing an independent counsel," Freeh said, according to Thompson.

Times staff writer [illegible]rc Lacey contributed to this story.



San Diego Union-Tribune

Atty. Gen. Janet Reno brought in Charles G. LaBella, above, a San Diego federal prosecutor with a reputation for hard-charging initiative, in October to revitalize the investigation.

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Independent Probe Of '96 Funds Urged

Reno Noncommittal on Campaign Report

By ROBERTO SURO 7-24-98
and MICHAEL GRUNWALD
Washington Post Staff Writers

Attorney General Janet Reno is reviewing a new recommendation by her top campaign finance prosecutor that she seek an independent counsel but appears no closer to supporting such an outside probe than when the idea was first suggested 21 months ago, Justice Department officials said yesterday.

The prosecutor, Charles G. LaBella, delivered the report to Reno Friday as he prepared to end a 10-month stint as head of the Justice Department's campaign finance task force. After analyzing evidence collected by the task force but never made public, the report concludes that there are sufficient indications of wrongdoing by the 1996 Clinton-Gore reelection effort to merit an independent counsel, said officials familiar with the document.

Republican leaders in Congress immediately seized on news of LaBella's report to step up their long-standing demands for an independent counsel. But Reno continued to insist that she will only do what she thinks is right regardless of how many others, even within the Justice Department, urge her to do otherwise.

"If one person out of a hundred has the right answer, that's what I should do," she said. "I don't do things based on majority vote. I do things based on evidence and the law."

But Sen. Fred D. Thompson (R-Tenn.), who led the Senate's campaign finance investigation, said he suspected LaBella's report will not sway her. "I think she made this decision long ago, and nothing is going to change her mind," he said.

Rep. Dan Burton (R-Ind.), chairman of the Government Reform and Oversight Committee, immediately announced plans to hold a hearing next Thursday on the issue. LaBella, FBI Director Louis J. Freeh and James Desarno, the top FBI agent on the task force, have been called to testify. Reno was not invited.

"It is becoming more and more apparent that she is trying to protect the president rather than do her job as a law enforcement official," Burton said. "I think you're going to see people start calling for her replacement very soon. She's stretching the limits of the patience of the Congress of the United States."

LaBella's report marks at least the third time that a senior Justice Department official has advised Reno to seek an independent counsel in the campaign finance investigation. Last November, when a preliminary inquiry was underway into allegations that President Clinton and Vice President Gore had made illegal fund-raising phone calls from the White House, LaBella and Freeh urged her to seek an outside counsel, but Reno rejected the advice.

Officials familiar with Freeh's memo last winter and LaBella's current report said that LaBella's includes a much more extensive review of the evidence and makes a firmer conclusion that there are sufficient indications of wrongdoing by top officials to oblige Reno to seek an outside prosecutor. As with the Freeh memo, the basic argument is that top Democratic and White House officials conducted a systematic and deliberate effort to circumvent campaign finance laws setting limits on fund-raising and defining what constitutes a legal contribution.

LaBella's report does not dramatically break new ground either in the evidence it presents or in the legal arguments it marshals, but it does present a lengthy and detailed account of facts pointing to questionable Democratic fund-raising activities, according to officials familiar with the document.

Given his stature as a highly regarded and independent career prosecutor hand-picked by Reno to lead the campaign finance probe, LaBella has succeeded in reviving a controversy that has dogged the attorney general since the closing days of the 1996 campaign and that shows no signs of dissipating.

LaBella does not allege specific crimes against individual officials but rather points to a variety of circumstances that he believes require further investigation, officials said. He concludes that such an inquiry should be conducted by an outside prosecutor in order to fulfill the intent of the independent counsel law, a post-Wa-

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Report Urges Independent Counsel

RENO, *From A21*

tergate reform designed to prevent an attorney general from investigating top officials of the same administration.

Reno yesterday repeatedly characterized LaBella's report as just one perspective on the independent counsel question and emphasized that she would consider opposing views as well before making a decision. In the past, those views have prevailed every time arguments similar to LaBella's have been presented to Reno. Lee J. Radek, the longtime head of the public integrity section in the Justice Department's Criminal Division, has been one of the most influential opponents to the appointment of an independent counsel among Reno's advisers, officials said.

LaBella, then the No. 2 federal prosecutor in San Diego, was appointed chief of the task force last September when the investigation was mired in internal disagreements and logistical problems. He effectively replaced Radek and made a point of distancing himself from the public integrity section and of reporting directly to Reno.

"There are a range of lawyers within the department who have had long experience with the Independent Counsel Act," Reno said yesterday. "And what we do is hear from everybody, not just one lawyer, but everybody. And we make sure that we try to consider all arguments, and reach the best decision based on the history of the act, the legislative history and other factors."

No special mechanism will be created to consider the report, department officials said. Instead, it will be handled as part of the usual process of overseeing the campaign finance investigation. One key question to be decided is whether Reno will deliver a specific response to LaBella's recommendations or whether it will be left an open matter, they said.

The apparent lack of urgency contrasts with several other occasions when Reno has responded within a few days, even within hours, after receiving recommendations that she launch the independent counsel process.

Republicans can complain if Reno ultimately rejects LaBella's advice, but there is not much they can do to change her decision. Sen. Arlen Specter (R-Pa.) wants the Senate Judiciary Committee to seek a writ of mandamus, a court ruling that would compel a government official like Reno to perform duties mandated by law. He says Reno has clearly shirked her duty to seek an independent counsel after receiving specific and credible evidence of wrongdoing by the president.

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Campaign Probe Looked at Ickes, Says LaBella

Evidence of Wrongdoing At White House Cited By Departing Official

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By BRIAN DUFFY
Staff Reporter of THE WALL STREET JOURNAL

WASHINGTON—The departing head of the Justice Department's campaign fund-raising investigation has told Janet Reno that he developed evidence of wrongdoing by senior officials of the White House and the Democratic National Committee.

Charles LaBella's findings, presented in a lengthy memorandum to Ms. Reno, focus sharply on the fund-raising efforts of Harold Ickes, the former deputy White House chief of staff. They form the basis of Mr. LaBella's recommendation that Ms. Reno seek the appointment of an independent counsel.

"It's not exactly that we presented her with a smoking gun," a senior government official said. "But we showed her significant threads of evidence that went right into the White House and to the upper levels of the DNC."

Mr. Ickes, who couldn't immediately be reached for comment, has consistently denied any improper fund-raising activity. The White House declined to comment.

Mr. LaBella has obtained the cooperation of one Democratic fund-raiser, Johnny Chung, who has provided evidence that top DNC officials knowingly solicited and accepted improper donations from him. Mr. LaBella's prosecutors are negotiating with others who have provided information about senior White House officials' roles in fund-raising efforts in 1995 and 1996.

Attorney General Reno has refused to seek an outside counsel, though a senior adviser says she is considering means that would allow her to do so.

Mr. LaBella is to testify about his findings before a House panel tomorrow, along with Louis Freeh, director of the Federal Bureau of Investigation. In a separate memorandum prepared for Ms. Reno last year, Mr. Freeh also argued for appointment of an independent counsel, noting that since prosecutors had subpoenaed telephone records of President Clinton and Vice President Gore, they already had begun an investigation of the two top officials covered by the special-prosecutor law.

Ms. Reno has refused to seek an outside counsel, though a senior adviser says she is considering means that would allow her to do so.

Interviews with senior government officials present a picture at sharp variance with the image of the inquiry that Ms. Reno has sought to portray. The attorney general appointed Mr. LaBella to the fund-raising task force after complaints by the FBI and senior Justice Department officials that it had stalled.

Since then, Ms. Reno has repeatedly told her Republican critics that she based her decision not to seek an independent counsel on the advice of career Justice Department attorneys. But Mr. LaBella, her top attorney and a career federal prosecutor, was frequently excluded from meetings concerning the appointment with Ms. Reno and other Justice Department executives, several officials said.

A senior Justice Department official, speaking on behalf of Attorney General Reno, challenged that characterization but said he couldn't rule out that Ms. Reno had discussed the fund-raising inquiry outside of Mr. LaBella's presence.

Ms. Reno relied heavily on advice from attorneys assigned to the criminal division's public-integrity section who specialize in election-law violations and the independent counsel law. But those lawyers often refused to talk with Mr. LaBella and senior FBI agents assigned to the inquiry, and the relationship between the two sides was tense. Memos prepared by the public-integrity lawyers for Ms. Reno sometimes didn't mention important evidence, prompting Mr. LaBella to prepare his own reports detailing all information developed by the Justice task force.

Complicating matters further was the role of Deputy Attorney General Eric Holder. Mr. Holder played an important role in Mr. LaBella's installation as head the task force in September 1997 and is widely credited with revitalizing the probe. Senior officials said Mr. Holder privately told Mr. Freeh and other top FBI officials last year that he supported an independent counsel. But an official familiar with his thinking said the comment was made in an offhand way.

Mr. Holder believes the appointment would be helpful because controversy over the campaign-finance inquiry was hurting morale at the Justice Department. He had supported an independent counsel prior to and just after being named deputy attorney general.

Tomorrow's testimony by Messrs. Freeh and LaBella likely will increase pressure on Ms. Reno, but she has been unfazed by the prospect. Democrats have accused Rep. Dan Burton, chairman of the House committee investigating fund-raising activities, of improperly pressing Ms. Reno.

But GOP Sen. Orrin Hatch of Utah and Republican Rep. Henry Hyde of Illinois, the respective heads of the Senate and House judiciary committees, have demanded copies of Mr. LaBella's report. Mr. Hatch said yesterday that Ms. Reno's persistence in refusing to seek an outside prosecutor could eventually force her resignation.

ATTACHMENT
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Democrat Fund-Raiser Said to Detail China Tie

NYT MAY 15 1998

This article is based on reporting by Jeff Gerth, David Johnston and Don Van Natta and was written by Mr. Gerth.

WASHINGTON, May 14 — A Democratic fund-raiser has told Federal investigators he funneled tens of thousands of dollars from a Chinese military officer to the Democrats during President Clinton's 1996 re-election campaign, according to lawyers and officials with knowledge of the Justice Department's campaign finance inquiry.

The fund-raiser, Johnny Chung, told investigators that a large part of the nearly $100,000 he gave to Democratic causes in the summer of 1996 — including $80,000 to the Democratic National Committee — came from China's People's Liberation Army through a Chinese lieutenant colonel and aerospace executive whose father was Gen. Liu Huaqing, the officials and lawyers said.

General Liu was then not only China's top military commander but also a member of the leadership of the Communist Party.

Mr. Chung said the aerospace executive, Liu Chao-ying, told him the source of the money. At one fund-raiser to which Mr. Chung gained admission for her, she was photographed with President Clinton.

A special adviser to the White House counsel, Jim Kennedy, said today, "We had no knowledge about the source of Mr. Chung's money or the background of his guest. In hindsight it was clearly not appropriate for Chung to bring her to see the President."

Mr. Chung's account, coupled with supporting documents like bank records, is the first direct evidence obtained by the Justice Department that elements of the Chinese Government made illegal contributions to the Democratic Party. Under American law, foreign governments are prohibited from contributing to political campaigns.

While the amount described is a tiny part of the $194 million that Democrats raised in 1996, investigators regard the identification of Ms. Liu as a breakthrough in their long search for confirmation of a "China Plan." The hunt was prompted after American intelligence intercepted telephone conversations suggesting that Beijing considered covertly influencing the American elections.

Senator Fred Thompson, Republican of Tennessee and chairman of the Senate committee investigating campaign finance, sought evidence of the plan, but Mr. Chung's account did not come until the committee issued its report this year. Tonight, the Federal Bureau of Investigation briefed Senate staff members about Mr. Chung's cooperation, according to officials.

Mr. Chung, a Southern California businessman, began cooperating with investigators after he pleaded guilty in March to campaign-related bank and tax fraud. He is the first defendant in the Justice Department inquiry to agree to cooperate.

It is not clear whether other Chinese officials or executives were involved in the purported payments by Ms. Liu, or what her motivation or the Chinese military's might have been. At the time, President Clinton was making it easier for American civilian communication satellites to be launched by Chinese rockets, a key issue for the Chinese army and for Ms. Liu's company, which sells missiles for the military and also has a troubled space subsidiary.

The President's decision was valuable to Ms. Liu because it enabled her company to do more business with American companies, but it had also been sought by American aerospace corpora-

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Fund-Raiser Is Said to Tell of Donations From China Military to Democrats

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tions, including Loral Space and Communications and the Hughes Electronics Corporation, a subsidiary of the General Motors Corporation, seeking to do more business in China. It is not known, however, whether anyone in the Democratic Party or the Clinton Administration had reason to suspect the source of the contributions from Mr. Chung.

A lawyer for Mr. Chung, Brian A. Sun, declined to comment on his client's conversations with investigators, citing his client's sealed plea agreement with the Justice Department. "I'm shocked that sources at the Justice Department would attribute anything like that to my client."

Mr. Chung has denied being an agent of the Chinese Government. "Nor did Mr. Chung ever try to lobby the American Government on any type of issue involving technology or anything else," Mr. Sun said.

A National Security Council spokesman, Eric Rubin, said, "It is ludicrous to suggest there was any influence on the determination of U.S. policy on this matter." He said he did not know whether any executives from Ms. Liu's company expressed an interest in the issue.

Ms. Liu did not return a message left with her office today.

Mr. Chung's revelations have opened an avenue of inquiry leading in a diplomatically sensitive direction: next month, Mr. Clinton goes to Beijing, where he hopes to announce increased space cooperation between China and the United States.

A representative of the Chinese Government denied that Beijing was behind the purported contributions. "China has always abided by the laws and regulations in this country," said Yu Shu-ning, a press counselor for the Chinese Embassy. "We have nothing to do whatsoever with political contributions in this country."

Mr. Chung, an American who was born in Taiwan, owned a floundering facsimile company in Torrance, Calif. He became involved with the Democratic Party in early 1996 through Asian-American contacts at the White House and was known for trying to use his connections in Washington with Chinese Government officials and executives.

Despite being labeled a "hustler" by one Presidential aide in 1996, Mr. Chung managed to visit the White House at least 49 times. He and his company contributed $366,000 to the Democratic National Committee — most of it before he met Ms. Liu. The full amount was later returned after questions were raised about Democratic fund-raising.

A Democratic National Committee spokesman, Richard W. Hess, said, "We did not know and had no way of knowing the source of his funds."

Mr. Chung met Ms. Liu in June 1996 in Hong Kong. She was not only a lieutenant colonel in the military, but a senior manager and vice president in charge of international trading for China Aerospace International Holdings Ltd., according to the company's 1996 annual report.

The company is the Hong Kong arm of China Aerospace Corporation, a state-owned jewel in China's military industrial complex with interests in satellite technology, missile sales and rocket launches.

Ms. Liu's father, General Liu, was China's senior military officer, and as vice chairman of the powerful Central Military Commission was in charge of China's drive to modernize the People's Liberation Army by selling weapons to other countries and using the hard currency to acquire Western technology. In that role, he oversaw his country's missile deals.



Associated Press



Reuters

Johnny Chung, right, has reportedly said that he funneled money from the daughter of Gen. Liu Huaqing of China, left, to Democrats.

In addition, General Liu was a member of the Standing Committee of the Politburo of the Communist Party, the very top circle of political leadership in China. He retired from his official positions last fall at the time of the Party's 15th Congress.

China Aerospace sells satellites, launches them and owns a large part of a Hong Kong satellite operator, but the financial viability of many of these ventures depends on American satellites. In 1996 President Clinton made it easier for American satellite to be launched by Chinese rockets. The decision was announced in March but due to delays did not take effect until election day.

As Ms. Liu began her relationship with Mr. Chung, her company and her father were trying to fix China's troubled rocket program. That spring, China Aerospace had brought in outside experts, including officials from Hughes and Loral to help analyze why a launch the previous February had failed. The Pentagon later concluded that the outside review harmed American national security by advancing China's rocket and missile capabilities. Both companies denied wrongdoing.

In 1991 and 1993 the United States barred all American companies from doing business with two China Aerospace units that had made illegal missile sales to Pakistan. In each instance, Ms. Liu was assistant to the president of the sanctioned company.

Writing about who in China may have benefited from the 1991 missile deal, former Secretary of State James A. Baker 3d, in his memoirs, said, "In all probability, several senior government and party officials or their families stood to gain from the performance of those contracts."

The missile deals were part of General Liu's strategy of selling Chinese weapons to other countries to raise money to acquire Western technology.

"Liu was a proponent of P.L.A. modernization who was very much interested in obtaining Western technology," said retired Rear Adm. Eric A. McVadon, the American defense attache in Beijing in the early 1990's. He said Mr. Liu consistently rebuffed American concerns about China's weaponry sales.

Those concerns were front and center in 1995, when General Liu was still in charge of the P.L.A. They included China's sale of missiles to Iran and of nuclear equipment to Pakistan, as well as its own bellicose military maneuvers near Taiwan.

Ms. Liu, Mr. McVadon recalled, was a "gladhander" who "brokered deals." In 1996 she was granted a visa to visit the United States as a representative of a China Aerospace subsidiary.

At the first meeting between Mr. Chung and Ms. Liu in June 1996, Mr. Chung is said to have told investigators, Ms. Liu told him she was interested in again visiting the United States. Soon hearing that Mr. Chung could arrange meetings with the President, she expressed an interest in meeting Mr. Clinton.

Mr. Chung helped Ms. Liu obtain a visa on July 11, 1996, according to a law-enforcement official. Five days later, he wrote the Democratic National Committee that he wanted to bring Ms. Liu and a Chinese medical executive to a July 23 fund-raising dinner to be held at the Brentwood, Calif., home of the financier Eli Broad.

Both of his guests' names were placed on the guest list after Mr. Chung wrote a check for $48,500 to the Democratic National Committee on July 18. A week later, Mr. Chung set up a California corporation for Ms. Liu and himself, records show.

Ms. Liu arrived in Los Angeles on July 21, and the next day Mr. Chung accompanied her to two fund-raising events with Mr. Clinton, according to a law-enforcement official. The first was his early evening $1,000-a-plate gala at the Beverly Hilton.

Later that night, Mr. Chung and Ms. Liu attended a $20,000-per-couple dinner at Mr. Broad's house that raised more than $1.5 million for the Democrats. The President was photographed with Ms. Liu, a routine courtesy at such events.

Mr. Sun, Mr. Chung's lawyer, said, "I don't think she was any different from any of his business contacts or they thought Johnny was influential and someone they would like to know as they furthered their business dealings in the United States."

The previous year, photos from another Chung visit with Mr. Clinton had caused a problem. The President had expressed concerns about some of Mr. Chung's Chinese business clients — unrelated to Ms. Liu — whose the fund-raiser brought to a March 1996 radio address by Mr. Clinton.

Mr. Clinton's director of Oval Office operations, Nancy Hernreich, in testimony taken by Senate investigators, said Mr. Clinton told her later the visit shouldn't have happened. She took that to mean that Mr. Clinton thought Mr. Chung's clients were "inappropriate foreign people."

ATTACHMENT
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Chung Ties China Money To DNC

Documents Support Story, Officials Say

By Roberto Suro
and Bob Woodward
Washington Post Staff Writers

Democratic fund-raiser Johnny Chung has told Justice Department investigators that a Chinese military officer who is an executive with a state-owned aerospace company gave him $300,000 to donate to the Democrats' 1996 campaign, according to federal officials who said that financial records back up key aspects of his account.

Chung's allegations, first reported in the New York Times yesterday, are being treated by the Justice Department as a major development in its 18-month investigation of whether the Chinese government attempted to influence the 1996 election with illegal campaign contributions, the officials said. For the first time, investigators have what appears to be a direct money trail from the Chinese government to Democratic campaign coffers, but the officials emphasized that numerous questions about Chung's activities remain unanswered.

Once depicted as a "hustler" by an official at the National Security Council, Chung visited the White House 49 times between 1994 and 1996 and attended numerous Democratic fund-raising events, sometimes accompanying Chinese business executives who were photographed with President Clinton or first lady Hillary Rodham Clinton. He donated $366,000 to the Democratic National Committee for the 1996 election, all of which has since been returned.

In March, Chung reached a plea bargain with federal prosecutors in which he admitted to making illegal campaign contributions and began cooperating with investigators. The officials said he subsequently claimed he received the $300,000 for Democratic campaigns in the summer of 1996 from Liu Chao-Ying, an officer in China's People's Liberation Army and executive with China Aerospace, Beijing's state-run rocket manufacturing company. It is unclear, how-

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Fund-Raiser Tells Probers Chinese Donated Money to DNC

CHUNG, From A1

ever, how much of that money actually went toward campaign contributions. Sources note that the alleged payments from Liu to Chung appear to have come after he had made many of his donations to the DNC.

The Justice Department investigation has no evidence suggesting that any officials either at the White House or the DNC were aware of the source of Chung's money or that Chung ever explicitly attempted to influence any administration policy decisions, investigators said.

"We had no knowledge about the source of Mr. Chung's funds or the background of Liu Chao-Ying," White House spokesman Jim Kennedy said yesterday. He said he was not aware of any contact between Chung and anyone in the White House regarding.

...tion records show that ...ung made contributions totaling $100,000 to the DNC and $14,000 to other Democratic committees between June and September of 1996. On July 21, 1996, Liu and Chung attended a Los Angeles fund-raiser where Liu was photographed with Clinton, as is common practice with guests at such events.

Liu and Chung set up a business, Marwell Investment Inc. in Torrance, Calif., together on Aug. 9, 1996, and according to sources familiar with their dealings, it was at that time that substantial amounts of money were transferred from Liu to Chung. Only $47,000 of Chung's campaign donations were made after they set up their company, according to election records.

Liu is the daughter of a powerful, now-retired general in the Chinese army, Liu Huaqing, and exercised considerable influence herself as an executive of the state-owned company that sells and launches rockets and satellites.

Chung's revelations have added new fuel to the Justice Department inquiry into the alleged plan by China to influence U.S. elections and revived demands by Republican leaders for an independent counsel investigation of the campaign finance scandal.

On Capitol Hill, Sen. Fred D. Thompson (R-Tenn.), who denounced alleged Chinese involvement in the U.S. election but was unable to bring out direct evidence of it during hearings last year by his Senate Governmental Affairs Committee, claimed vindication in the news of Chung's charges.

"The new information shows that the 'China Plan' the committee investigated last year was carried out in some form," said Thompson, who along with other senior legislators was briefed by the FBI on Chung's allegations this week.

"This really is a very big matter. The need for an independent counsel to investigate the campaign finance scandal has been clear for some time, and this puts the icing on the cake," said Sen. Arlen Specter (R-Pa.), who is a member of the Senate Judiciary Committee.

Since 1996 federal law enforcement and intelligence agencies have been investigating intercepted communications and other indications that Chinese government officials conceived a plan to spend at least $2 million to influence U.S. elections, allegedly by channeling the money through foreign corporations into political campaigns.

When Thompson earlier this year issued a report on his committee's investigation, Chung was not cited among the Democratic fund-raisers who were suspected of acting as conduits for Chinese government money, and officials familiar with Chung's account note that he did not make the allegations involving Liu in his initial plea deal with the Justice Department two months ago.

As they have analyzed Chung's account in recent days, Justice Department officials have urgently queried the CIA and the National Security Agency to comb their records for any information regarding Chung that might have been overlooked.

Officials familiar with the evidence in Chung's case said that neither Chung nor Liu had been major figures in the "China plan" investigation, but that the information Chung is now providing tended to corroborate certain evidence already gathered in the probe.

Chung's attorney, Brian Sun, had no comment yesterday regarding Chung's communications with the Justice Department.

FOR MORE INFORMATION

To read profiles of Chung and other key players in the fund-raising probe, click on the above symbol on the front page of The Post's Web site at www.washingtonpost.com

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Chinese Embassy Role in Fund-Raising Probed

By Bob Woodward and Brian Duffy
Washington Post Staff Writers
Thursday, February 13, 1997; Page A01

A Justice Department investigation into improper political fund-raising activities has uncovered evidence that representatives of the People's Republic of China sought to direct contributions from foreign sources to the Democratic National Committee before the 1996 presidential campaign, officials familiar with the inquiry said.

Sensitive intelligence information shows that the Chinese Embassy on Connecticut Avenue NW here was used for planning contributions to the DNC, the sources said. Some information was obtained through electronic eavesdropping conducted by federal agencies.

The information gives the Justice Department inquiry what is known as a foreign counterintelligence component, elevating the seriousness of the fund-raising controversy, according to some officials.

The sources declined to provide details about the scope of the evidence relating to the alleged efforts by the Chinese representatives. They also declined to specify what foreign contributions might have been involved, but they said the new evidence now being scrutinized in the inquiry is serious.

A Chinese Embassy spokesman denied yesterday that his government had anything to do with improper efforts to influence the administration. "We have done nothing of that sort," the spokesman said.

White House press secretary Michael McCurry said yesterday that "to the best of my knowledge, no one here had any knowledge of" the allegations concerning the Chinese. He said the White House would have no further comment.

The evidence relating to the Chinese government led Justice Department lawyers and FBI executives to increase the number of FBI special agents working on a special investigative task force from a handful to 25, including several specialists in foreign counterintelligence investigations, sources said. Laura Ingersoll, a Justice Department attorney assigned a leading role on the fund-raising task force, has security clearances to investigate a variety of sensitive intelligence matters, officials said.

The new dimension to the fund-raising investigation could result in Attorney General Janet Reno eventually recommending that the matter be turned over to an independent counsel, according to one well-placed source. Reno so far has declined requests for an independent counsel, saying that the Justice Department task force can conduct a full and independent inquiry and that there is no specific and credible allegation of wrongdoing against any of the senior executive branch officials covered by the Independent Counsel Act. Such a finding would have to be made by the Justice Department task force before Reno could recommend appointment of an independent counsel.

Washington and Beijing have been at odds over human rights and trade issues, but the

Clinton White House has been seeking recently to improve relations. Secretary of State Madeleine K. Albright is traveling to Beijing later this month, and President Clinton announced in his State of the Union message that he also would visit. He has extended an invitation to Chinese President Jiang Zemin to come to Washington.

The Chinese effort to win influence with the Clinton administration can be traced to 1993, one source said. During the Reagan and Bush administrations, the Chinese government felt comfortable dealing with Washington. During the 1992 presidential campaign, authorities in Beijing spoke openly about wanting Bush to win reelection because he was an "old friend" of China. Clinton had criticized the Bush administration during the campaign for "coddling" Beijing and giving China most-favored-nation trade status after the 1989 crackdown in Tiananmen Square.

After Clinton defeated Bush, Chinese officials were uncertain about how to deal with the new administration, officials said, even though as president, Clinton essentially adopted the Bush policy toward Beijing. The Chinese Foreign Ministry has long urged the leadership in Beijing to increase its lobbying efforts in Washington, arguing that China has lagged behind Taiwan and Israel in trying to influence U.S. policy.

Some investigators suspected a Chinese connection to the current fund-raising scandal because several DNC contributors and major fund-raisers had ties to Beijing. Last February, Charles Yah Lin Trie, a fund-raiser for the Democratic National Committee, used his influence with party officials to bring Wang Jun, head of a weapons trading company owned by the Chinese military, to a White House coffee with Clinton.

Wang also heads a prominent, state-owned investment conglomerate. Clinton has since said he should not have met with Wang, and $640,000 in checks that Trie delivered to president's legal defense fund has been returned because of questions about the source of the funds.

Another reason investigators suspected a Chinese connection was the role of John Huang, a former Commerce Department official and DNC fund-raiser now at the center of the campaign controversy. An American citizen born in China and raised in Taiwan, Huang has said he now has no friends or relatives in China. But Huang is a former executive of the Lippo Group, a highly profitable Indonesian conglomerate owned by the Riady family, who are ethnic Chinese. Lippo has extensive interests in China, including approval to build a power plant in Fujian Province, Huang's place of birth.

In 1993, Lippo sold 50 percent of its holdings in one of its banks, Hong Kong Chinese Bank -- where Huang was a vice president in the mid-1980s -- to a corporation run by the Chinese government.

Huang was not the only Lippo executive to get a job with the Clinton administration. In December 1994, U.S. Trade Representative Mickey Kantor named Lippo's president of securities, Charles De Queljoe, to the Investment and Services Advisory Committee. Huang had sought jobs at the State Department and the National Security Council staff for De Queljoe, a big Democratic giver, in an early 1993 letter to the White House.

Last month, Rep. Gerald B.H. Solomon (R-N.Y.), chairman of the House Rules Committee, asked FBI Director Louis J. Freeh to investigate Huang and the Lippo Group, with an eye to "potential economic espionage against the United States by a foreign corporation having direct ties to the People's Republic of China."

Solomon said then that he was concerned about Huang's access to intelligence information and dozens of calls Huang made from Commerce to the Lippo Group. He also asked Freeh to investigate apparent discrepancies in the birth date listed on Huang's visa application forms and his government employment forms.

Huang was employed at Lippo for nine years before he joined the Commerce Department as deputy assistant secretary for international economic policy. His severance package from Lippo totaled $788,750.

Huang was given a top-secret clearance at Commerce after what Republicans have called a lax background investigation. Despite Huang's extensive ties to Lippo, the background investigation was limited to his activities in the United States because he had lived here for more than five years. Commerce officials now say they wish a foreign background check had been done, even though it was not required.

In preparation for his job at Commerce, Huang received an interim security clearance while he was still working at Lippo. But Commerce Department officials said that did not entitle him to see any classified information, and they maintain he saw none. Because of a bureaucratic error, the officials said, Huang retained his top-secret clearance after he left the Commerce Department to become a DNC vice chairman in December 1995.

During his 18 months at Commerce, Huang was scheduled to attend 37 intelligence briefings, including briefings on China, and saw more than two dozen intelligence reports.

From his Commerce Department office, Huang made more than 70 phone calls to a Lippo-controlled bank in Los Angeles. The calls are now being scrutinized by the Justice Department task force.

Huang's message slips from the Commerce Department also show a call from one Chinese Embassy official in February 1995 and three calls from the embassy's commercial minister in June and August of that year.

According to Huang's Commerce Department desk calendar entries, obtained by The Washington Post, he had three meetings scheduled with Chinese government officials. He was slated to go on a U.S. government-sponsored trip to China in June 1995 that was canceled. He attended a policy breakfast at the Chinese Embassy in October 1995 and a dinner there the same month, his calendar shows.

One of the many unexplained records from Huang's files shows an unusual travel pattern in the fall of 1995. His expense account records show he left his Commerce Department office to visit the Indonesian Embassy on Massachusetts Avenue NW on Oct. 11, claiming a $5 reimbursement for taxicab fare. The expense records indicate Huang did not return to his office at Commerce until the following day -- when he took another $5 cab ride, not from the Indonesian Embassy but, according to his records, from the "residence of the Chinese ambassador."

Staff writers Susan Schmidt, Sharon LaFraniere and Lena H. Sun, special correspondent Anne Farris and research assistant Jeff Glasser contributed to this report.

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FBI Had Overlooked Key Files In Probe of Chinese Influence

By Bob Woodward
Washington Post Staff Writer

The FBI has acknowledged overlooking key intelligence information gathered as far back as 1991 that investigators believe shows further Chinese government efforts to buy political influence in the United States, senior U.S. government sources said yesterday.

Attorney General Janet Reno learned of the new evidence on the night of Nov. 5. A senior Justice Department official said Reno was "livid" at the FBI foul-up and two days later apologized to Sen. Fred D. Thompson (R-Tenn.) for failing to disclose information that was germane to Senate hearings into campaign fund-raising abuses. Thompson had suspended his committee's hearings Oct. 31.

FBI Director Louis J. Freeh, who also apologized to Thompson, has replaced the senior FBI official overseeing the bureau's investigation into suspected Chinese influence buying, officials said.

The newly discovered intelligence, much of it culled from electronic surveillance conducted by the FBI and other U.S. agencies over the past six years, includes evidence of the magnitude and means by which Beijing hoped to influence U.S. elections, several officials said. The evidence also shows links between the Chinese government and several U.S. citizens, including a Democratic fund-raiser in Los Angeles whom several officials characterize as an "agent" for the Chinese. Officials would not provide details of the highly classified intelligence.

These developments come only two months after Reno, vowing "to make sure that no stone is left unturned," ordered a major Justice Department shake-up and replaced the head of a department task force looking into campaign finance violations. The continuing series of Justice missteps demonstrates "remarkable incompetence," one senior government official said, and is likely to increase Republican pressure on Reno to seek the appointment of

See FBI, A19, Col. 1

■ *Attorney general extends probe of Interior Secretary Babbitt.* *Page A22*

BI-Acknowledges Overlooking Key Intelligence Files in Probe of Chinese Influence

FBI, From A1

dependent counsel to run the bally sensitive investigation.

his is another "Oh my God!" a r Justice official said yesterday. me officials played down the ficance of the new evidence and d that the information was gath- by the FBI as part of a counter- ligence function designed to tabs on foreign governments protect U.S. national security. information is rarely used in ecuting criminal cases, largely use of government reluctance to al sensitive eavesdropping meth- and other intelligence sources. ustice officials said internal prob- i of miscommunication and ex- ive compartmentalizing have become so serious that Reno has directed her inspector general to determine why critical information in FBI counterintelligence files failed to reach the task force or Senate committee. Reno also placed Deputy Attorney General Eric H. Holder Jr. in charge of supervising the task force with instructions to determine whether additional undisclosed intelligence information remains in FBI files.

The belatedly discovered files indicate that Maria Hsia—a Taiwanese American immigrant who for a decade has raised money for Democratic causes—was "doing the bidding" of Beijing as a Chinese agent, a senior official said.

Hsia became significantly involved in Democratic Party fund-raising in 1988 with James Riady, a wealthy Indonesian businessman who once lived in California and whose Lippo Group has been at the center of inquiries over the past year into campaign finance irregularities. Hsia, 46, set up an Asian American fund-raising group called the Pacific Leadership Council with Riady and John Huang, later a Democratic National Committee fund-raiser. The two largest recipients of PLC money in the 1990 election cycle were then-Sens. Albert Gore Jr. (D-Tenn.) and Paul Simon (D-Ill.).

In a 1988 interview with the National Journal, Hsia explained her political activism: "The Jews have a very strong voice, and they talk about Israel. I feel like the Asian community doesn't have a voice."

Hsia worked closely with Huang and was co-chair with him of an April 1996 luncheon attended by Vice President Gore at the Hsi Lai Buddhist temple in California. The event raised about $140,000 for the DNC, but investigators subsequently concluded that much of the money was donated through straw donors used to disguise the origin of the money.

Nancy Luque, Hsia's attorney in Washington, said yesterday, "It is absolutely not true and even ludicrous to suggest she is or was an agent of the Chinese government in any way, shape or form."

Since news reports early this year first disclosed a Justice Department investigation into suspected Chinese influence buying, officials in Beijing have repeatedly denied—both publicly and in private talks with U.S. officials—any effort to funnel campaign contributions into American political races. Federal law prohibits donations from foreign sources.

President Clinton last weekend said Chinese President Jiang Zemin "emphatically denied to me personally that their government had tried to do anything to influence the outcome of this election."

The Hsia evidence came to light only after Freeh canvassed all FBI field offices in September and ordered a "meticulous review of all file holdings in the FBI's possession that bear on attempts by the PRC [People's Republic of China] to influence U.S. political elections." Last night, the FBI issued a statement saying that FBI counterintelligence files are "voluminous," consisting of "raw, uncorroborated intelligence that requires significant analysis before the information is appropriate for dissemination."

Freeh's order turned up other previously undisclosed leads from FBI files, including reports considered reliable but unconfirmed that Huang, while serving as a senior Commerce Department official in the Clinton administration, passed a classified document to the Chinese government. Huang has previously denied any improper links to the Chinese government or other foreign capitals, and officials said the FBI has been unable to find a copy of the document or even confirm its existence.

Freeh's directive also produced intelligence that the Chinese government planned to use joint business ventures with U.S. companies and others to raise money that could be funneled into U.S. political campaigns. Other newly uncovered reports also suggest that the Chinese government planned to spend more than the previously reported $3 million to influence U.S. political campaigns, according to U.S. officials.

Fragmentary intelligence also indicated that the Chinese wanted to funnel money directly to the Clinton-Gore campaign, which legally could receive only contributions from U.S. citizens of $1,000 or less, officials said.

Officials this week were quick to point out that the new discoveries will not necessarily lead to criminal charges. Nor have investigators established whether Chinese money was actually funneled to specific political campaigns.

The most likely immediate fallout from the discoveries appears to be further erosion of Justice Department and FBI credibility.

Although Reno has repeatedly pledged over the past year that the campaign finance investigation would be comprehensive and aggressive, the probe has been marked by embarrassing fits and starts. On Sept. 3, for example, Reno began a preliminary investigation of Gore's telephone solicitations for campaign money, but only after learning from a newspaper that federally regulated money had been raised in the calls.

On Sept. 16, she replaced the task force chief after the FBI failed to report intelligence it had in its files for two years to the Senate committee. That intelligence said that Los Angeles businessman Ted Sioeng was a suspected agent of the Chinese government, a charge that Sioeng has denied through a lawyer.

Last night, White House counsel Charles F.C. Ruff said he was unaware of any new discoveries in FBI files or of Reno's apology to Thompson. "The story is news to me on every front," Ruff said.

In an interview last night, Thompson said he had accepted the apologies from Reno and Freeh. He said his committee would retain jurisdiction on the Chinese connection and continue investigating vigorously. But he declined to say whether public hearings will resume.

Upon opening his Senate Governmental Affairs Committee hearings in July, Thompson publicly charged that China had planned to buy influence in U.S. elections, although he noted that the information came from sensitive intelligence which might never be revealed.

Subsequently, Democratic members of the committee acknowledged that sensitive intelligence showed a Chinese plan in 1995 and 1996 to buy influence in U.S. congressional races through campaign contributions.

After Thompson announced two weeks ago that he was suspending his public hearings, officials said, the FBI obtained intelligence showing that the Ministry of State Security in Beijing—the Chinese equivalent of the CIA—boasted it had been successful in "thwarting" the congressional inquiry.

Staff writer [illegible]

[illegible]

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U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

DEC 30 1998

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

Dear Mr. Chairman:

This is in response to your letter of December 7, 1998. Most assuredly, the Department of Justice understands and shares your concerns about leaks of confidential information. The Attorney General has never authorized or approved any leaks and is committed to eliminating them. In fact, a number of the articles that you mention are, or have been, the subject of leak investigations conducted by the Office of the Inspector General, the Office of Professional Responsibility, or the Federal Bureau of Investigation. Your letter has been referred to those department components to determine whether further investigations would be appropriate.

While these specific matters are committed to the consideration of those components, I would point out that it is far from clear that the leaks in question came from sources within the Department of Justice. When the person providing the allegedly leaked information is described as "a senior government official" or an "official familiar with the document," as is the case for some of the articles you mention, the information could have come from persons outside the Department with access to this information.

Moreover, much of the allegedly leaked information is critical of the Administration or the Attorney General, including the Wall Street Journal article of August 3, 1998 about Mr. La Bella's memorandum, the quotations about the La Bella memorandum that appeared in the Los Angeles Times and Washington Post on July 24, 1998, and the quotations contained in articles on the campaign financing investigation that appeared in the Washington Post on May 16, 1998, November 14, 1997, and February 13, 1997, and in the New York Times on May 15, 1998. None of these disclosures appears to have been intended to assist the Attorney General or the Administration.

You should also be aware that at least some of the articles that contain leaks attributed to Department officials are not accurate. For example, as we have previously told your staff, an article in the October 2, 1998 edition of the Washington Post incorrectly states the status of the investigation of John Huang. The fact that the article purports to cite a "senior Justice Department official" does not guarantee that the article contains accurate information.

The Justice Department continues to be concerned about the leaks that affect its work, and to consider whether additional steps should be taken to deter leaks and identify and hold responsible those who inappropriately disclose information.

Please do not hesitate to contact me if we can be of further assistance.

Sincerely,

Dennis Burke

Dennis K. Burke
Acting Assistant Attorney General

cc: The Honorable Henry A. Waxman
Ranking Minority Member, Committee on
Government Reform and Oversight

U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

JAN 4 1999

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

Dear Mr. Chairman:

This is in response to your letter of September 23, 1998, concerning the travelers checks issued from the Bank of Central Asia. I apologize for the delay in our response.

As you know, the Department is working with the Federal Bureau of Investigation Legat in the region to obtain the records. Despite repeated requests by the Legat, the documents have not yet been provided.

Please do not hesitate to contact me if I may be of further assistance on this or any other matter.

Sincerely,

Dennis Burke

Dennis K. Burke
Acting Assistant Attorney General

cc: The Honorable Henry A. Waxman
Ranking Minority Member

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BERNARD SANDERS, VERMONT
INDEPENDENT

January 11, 1999

Craig S. Iscoe, Esq.
Special Counsel to the Deputy Attorney General
Department of Justice
10th Street and Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Re: Request for Documents

Dear Mr. Iscoe:

I write to confirm our telephone discussion of earlier today. You have informed me that you are coordinating the responses of the Department of Justice, the Drug Enforcement Agency, and the Federal Bureau of Investigation to the Committee's document requests dated November 30, 1998. You have told me all responsive documents will be compiled by the end of next week, and at that time, you and staff from DOJ, DEA, and the FBI will be available to meet with Committee staff to discuss the form of the document production to the Committee.

Please contact me at 225-5074 when you are available to meet.

Very truly yours,

David A. Kass
Deputy Counsel & Parliamentarian

...N BURTON, INDIANA
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HENRY A. WAXMAN, CALIFORNIA
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January 19, 1999

Craig S. Iscoe, Esq.
Special Counsel to the Deputy Attorney General
Department of Justice
10th Street and Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Re: Request for Documents

Dear Mr. Iscoe:

I write to follow up on my letter to you dated January 11, 1999. In the letter, I confirmed that you were compiling documents responsive to the Chairman's requests of November 30, 1998, to the Department of Justice, the Drug Enforcement Agency, and the Federal Bureau of Investigation. You earlier informed me that you planned on bringing staff from those agencies to meet with Committee staff by the end of this week to discuss your document production. I have not yet heard from anyone in your office to set up this meeting, but I look forward to the meeting, and hope to speak with you soon.

Please contact me at 225-5074 when you are available to meet.

Very truly yours,

David A. Kass
Deputy Counsel & Parliamentarian

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BERNARD SANDERS, VERMONT
INDEPENDENT

January 26, 1999

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Dear General Reno:

In June of last year, this Committee uncovered evidence of illegal conduit contributions funded with Visa travelers checks issued by and purchased at the Bank Central Asia in Jakarta, Indonesia. Since that time, the Committee has taken a number of steps in an attempt to determine the circumstances surrounding the purchase and distribution of the checks. Our efforts thus far have been stymied by the lack of foreign cooperation, and it appears that the Clinton Administration has been less than vigorous in pursuit of these records.

As I have detailed in my previous correspondence with you, on July 29, 1998, the Committee formally requested the cooperation of the Indonesian authorities in obtaining the release of certain information from Bank Central Asia. We have received no response, and based on the Committee's prior attempts to obtain information from foreign governments during the course of the campaign finance investigation, we expect there will not be one. While I am disappointed with Indonesian officials, I am not surprised.

However, from our own United States government, I expect more. The Department has informed the Committee, both formally through correspondence and informally through conversations with Committee staff, that the travelers checks are a key piece of evidence in the campaign finance investigation. On that point we agree. In fact, according to your staff, the Department shares Committee staff's suspicion that the travelers checks may very well be connected in some manner to James Riady, a close friend of the President.

But what has been done about this? In what approximates a form letter addressed to me, on January 4, 1999, Dennis K. Burke, Acting Assistant Attorney General indicated that "[t]he Department is working with the Federal Bureau of Investigation Legat in the region to obtain the records. Despite repeated requests by the Legat, the documents have not yet been provided." Mr. Burke's letter was in response to my September 23, 1998

request that "you share with the Committee any response you received from the Indonesian government and all information you have relating to these bank records." It is incredible to think that the Department took over three months to pen this non-responsive response of January 4th. Furthermore, the Department has not provided the Committee with even one shred of information regarding the efforts of the Justice Department or the State Department regarding the travelers checks or the pursuit of information relating to those checks. This is particularly troubling in light of information recently received by the Committee that the FBI interviewed Antonio Pan in Jakarta regarding the travelers checks. Pan is an associate of Yah Lin "Charlie" Trie and James Riady, and has been conclusively tied to the distribution of the travelers checks and illegal conduit contributions associated therewith.

I am confident that the Department has additional information to provide the Committee regarding the travelers checks. It is clear that there should be more of an effort by the Clinton Administration to obtain these records. I would welcome an opportunity to meet with you regarding your efforts and review all relevant materials. I would also like to discuss the degree to which you have pursued and the Chinese government has provided financial information of import to the campaign finance investigation. Please contact my Chief Counsel Barbara Comstock to arrange a meeting at your earliest convenience.

Thank you for your attention to this matter, and I await your response.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman
Ranking Minority Member

BURTON, INDIANA
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January 29, 1999

Craig Iscoe, Esq.
Counsel to the Deputy Attorney General
Department of Justice
10th and Pennsylvania Avenue
Washington, DC 20530

Re: January 28, 1999 Meeting

Dear Mr. Iscoe:

Thank you for meeting with us yesterday. To recap, it is our understanding that the DOJ will make a good faith effort to provide the requested documents agreed upon at yesterday's meeting by February 5, 1999. During the meeting you indicated that you would provide the Committee with documents described as items # 1 and 2 in our letter of November 30, 1998, and the Committee agreed to restrict the documents requested in item # 3 to information relating only to extradition issues in Venezuela. Additionally, items # 4, 5, 6 and 7 will be supplied to the Committee once certain redactions are made relating to confidentiality concerns.

Further, it is our understanding that you will make inquiries concerning NADDIS, DEA policy on disclosure of its records, and any requester tracking system that is employed with NADDIS. Finally, you agreed to find out what the DEA's policy is with regards to allowing its personnel to testify in civil actions relating to their assignments.

Thank you again for your assistance and please do not hesitate to call if you have any questions or concerns.

Very truly yours,

Marc A. Chretien

Marc A. Chretien
Senior Investigative Counsel

DAN BURTON, INDIANA
CHAIRMAN
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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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BERNARD SANDERS, VERMONT
INDEPENDENT

February 11, 1999

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Dear General Reno:

I write regarding the continued failure of the Justice Department to cooperate with the Government Reform Committee's legitimate oversight of the Department. The Department's lack of cooperation has been a serious problem that has hampered this Committee's work. While my staff has received numerous assurances from your staff that the Department will be more cooperative in the 106th Congress, it appears that the Department is assuming the same position as it did last year, when it either delayed production of or refused to produce many requested documents, leading to your citation for contempt of Congress by the Committee.

As you may know, on November 30, 1998, I sent separate document requests to the Justice Department, the Federal Bureau of Investigation, and the Drug Enforcement Agency. In those requests, I asked for all responsive documents to be produced to the Committee by January 4, 1999. However, we received no documents by the requested date. Rather, we received a telephone call from Associate Deputy Attorney General Craig Iscoe, informing us that the Department would be unable to produce the documents on time, and instead, would prefer to meet with Committee staff to discuss the Department's document production. Committee staff met with Mr. Iscoe and Faith Burton, and at that meeting, your staff assured the Committee staff that they would receive the requested documents by February 5, 1999.

However, on February 5, Mr. Iscoe informed Committee staff that his secretaries were unable to Bates-stamp the documents in time to send them to the Committee by the close of business. Committee staff agreed to extend the deadline for production to Monday, February 8, when presumably, Justice Department staff could apply the appropriate stamps to the documents. At the end of the day on February 8, Mr. Iscoe again called Committee staff to inform them that Dennis Burke, the Acting Assistant

Attorney General for Legislative Affairs, was out of town, and was unable to sign the letter of transmittal, again preventing the documents from being provided to the Committee. Committee staff yet again agreed to extend the deadline for production of documents. On February 9, Mr. Iscoe called the Committee staff to inform them that he was unable to provide the documents, even though they had been Bates-stamped, and even though the letter of transmittal had been signed. According to Mr. Iscoe, another individual at the Department of Justice had chosen to review the documents before they were provided to the Committee. Presumably, there had not been enough time to review the documents in the preceding two months.

Yesterday, February 10, Committee staff was informed by Mr. Iscoe that the requested documents had been reviewed, and were ready to be sent. Unfortunately, according to Mr. Iscoe, there was no one at the Department of Justice who was available to bring the documents to the Committee offices. Mr. Iscoe apologized for this embarrassing failure, and committed to bring the documents to the Committee offices personally on February 11, 1999. As of 5:00 p.m., the Committee has not received any documents.

The saga of my November 30, 1998, document request is unfortunately typical. My staff and I are familiar with the bureaucratic delays that often accompany document productions from the Executive Branch. However, the Justice Department has distinguished itself from every other agency – with the possible exception of the White House – with both the length and inexcusable nature of its delays. I will provide here just a partial list of past and present failures by the Justice Department to provide requested material on a timely basis:

- On August 13, 1998, the Committee requested an interview with Richard Gregorie, an Assistant U.S. Attorney in the Southern District of Florida. Despite a number of follow-up requests, we received no response until Committee staff personally raised the issue with your staff in a meeting in February 1999.

- Several weeks ago, Committee staff requested to interview Mr. Gregorie's supervisor in the Southern District of Florida. We have yet to receive a response to this request.

- On January 9, 1998, the Committee sent a document request to the Department, requesting materials relating to various immigration matters. After numerous delays, the documents were finally provided many months later. At one point, Mr. Iscoe even informed Committee staff that he had to personally Bates-stamp the requested documents because he did not have adequate staff. I am tempted to ask whether Mr. Iscoe's efforts are indicative of the resources that you have devoted to the campaign finance investigation.

- Of course, on July 24, 1998, the Committee subpoenaed memoranda prepared by Louis Freeh and Charles La Bella regarding their advice to you that you were required by law to appoint an Independent Counsel to investigate the campaign

finance scandal. You refused to comply with that subpoena, citing the "unprecedented" nature of that request. The Committee, in both letters and hearings, pointed out that its request was consistent with many precedents, nevertheless, you still refused to comply, leading the Committee to cite you for contempt. Now, many months later, your staff has informed Committee staff that they now agree that the Committee's demand was not unprecedented, and in fact, is consistent with past Congressional requests.

As you can see by this partial chronology, the Committee is justified in viewing the Department's promises of cooperation with great suspicion. Your staff at the Justice Department seems to be enlisting almost every excuse, no matter how outlandish, to avoid cooperating with the Committee. Indeed, it appears that there is no shortage of energy at the Department to leak derogatory material about the Independent Counsel; if only this surfeit of enthusiasm could be harnessed in your campaign finance investigation or in complying with legitimate requests of this Committee.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman

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BERNARD SANDERS, VERMONT
INDEPENDENT

February 11, 1999

The Honorable Janet Reno
Attorney General of the United States
United States Department of Justice
Washington, D.C. 20530

Dear General Reno:

Yesterday's article in the *New York Times,* "U.S. Inquiry on Starr is Seen," is only the latest in a long line of what appear to be politically motivated leaks emanating from your Department. While Department of Justice leaks aimed at Judge Starr are not new, the fact that such sensitive information would be leaked to the press in the closing days of the Senate impeachment trial raises the specter of political interference. In November, shortly before Judge Starr's Judiciary Committee appearance, damaging information was also leaked in a partisanly timed manner. As my Senate colleague Senator Domenici noted in today's *New York Post*: "She's [the Attorney General] not investigating anybody else. I don't know why she's investigating him."

On Tuesday of this week it was trumpeted in the media that the Department will "investigate the handling of the Lewinsky matter." In an Associated Press report, the information is attributed to a "Government official, who spoke on the condition of anonymity." (See Attachment 1) On Wednesday, the *New York Times* reported the department will "begin an inquiry to determine whether Kenneth W. Starr's prosecutors misled Attorney General Janet Reno about possible conflicts of interest when they obtained permission to investigate the Lewinsky matter." As with the report on Tuesday, the information is derived from "officials, who spoke on the condition of anonymity." (See Attachment 2)

On October 2, 1998, "a senior Justice Department official" used the *Washington Post* as a forum to diminish John Huang's relevance and importance to the Department of Justice's campaign finance investigation. This extraordinarily counterproductive -- and politically motivated -- leak by a Department of Justice employee was followed by your assurance to this

Committee that you would conduct an investigation. Despite my request that this committee be kept informed, as of this date, all we have heard is that there is supposedly an ongoing investigation -- which has apparently been ongoing almost since the beginning of the campaign finance investigation. Not surprisingly, your own investigation of your own Department's leaks has apparently yielded nothing. For over two years your Department has leaked in a politically timed manner -- even leaking highly classified information.

With this politically motivated Department of Justice leak as background -- not to mention disturbing leaks pertaining to DNC issue advertisements, the La Bella memorandum, Johnny Chung's testimony, and the "China Plan" -- we now have this political attack on Independent Counsel Starr. Indeed, Department spokesmen have commented on numerous occasions when questioned about investigations pertaining to Democrats that department policy is to "neither confirm nor deny an investigation." It certainly appears that when it is politically expedient, this policy is not followed.

Both the substance and the timing of the material emanating from the Department of Justice -- particularly in light of the Senate impeachment vote this week -- suggest that someone in the department, possibly a senior official with access to this sensitive information, is attempting to influence the outcome of the Senate trial. As I stated in my letter of December 7, 1998, "it appears that many in the senior ranks of the Justice Department may be attempting to aid the Administration by prematurely releasing information." (See Attachment 3) As many have noted in observing your inappropriate insistence on overseeing of the politically tainted campaign finance investigation, this is the most partisan Justice Department since Watergate.

These attacks on the Independent Counsel are pernicious. They represent a politicization of the Department of Justice. As the Senate deliberates in an attempt to determine the place of the rule of law in our democracy, the Administration, through your department, has fired yet another shot across the bows of justice. The tactics presently employed will leave a diminished Department of Justice, and do irreparable harm to the rule of law in this country.

At a bare minimum, the selective leaking of information about your internal investigation into the Office of Independent Counsel Starr brings into question the legitimacy of the investigation and the motivation behind bringing it. In addition, given that most of these allegations have already been dismissed by Judge Norma Holloway Johnson, the motivation behind pursuing these allegations is even more suspect. While we are all well aware that Presidential allies such as James Carville have declared war on Independent Counsel Starr, we would hope that the generals of that war would not be working at the Department of Justice.

Sincerely,



Dan Burton
Chairman

cc: Director of the FBI Louis Freeh
H. Marshall Jarrett, Counsel, Office of Professional Responsibility

Attachments

THE NEW YORK TIMES NATIONAL TUESDAY, FEBRUARY 9, 1999

Impeachment 1

THE INDEPENDENT COUNSEL

U.S. Inquiry on Starr Is Seen

WASHINGTON, Feb. 8 (AP) — The Justice Department has advised Kenneth W. Starr that it will investigate his handling of the Lewinsky matter, but it has not started the inquiry, Government officials have said.

The department's internal watchdog agency, the Office of Professional Responsibility, recently told Mr. Starr of its plan to begin an investigation of several matters, but the office is awaiting his response before starting the inquiry, said the Government officials, who spoke on the condition of anonymity.

One topic for the impending investigation is the Jan. 16, 1998, offer by Mr. Starr's deputies to Monica S. Lewinsky of an immunity deal conditioned on her not discussing it with her lawyer, Frank Carter.

Justice Department rules prohibit Federal prosecutors from discussing immunity deals with defendants outside the presence of their lawyers.

Mr. Starr's office is required to follow those rules unless doing so would undermine the purpose of an investigation.

Mr. Starr has denied any impropriety in his office's dealings with Ms. Lewinsky.

Last November, the department came to the brink of investigating Mr. Starr over the handling of the immunity deal and other matters, but he protested in a visit with top Justice officials.

Afterward, Justice officials said they had dismissed some of the accusations against Mr. Starr but had written him a letter seeking his response to others.

They insisted at that time that an investigation had not been opened.

Attorney General Janet Reno has the authority to dismiss Mr. Starr if she finds good cause.

The accusations against Mr. Starr have come from legal observers, some Democratic members of Congress and President Clinton's lawyer, David E. Kendall.

Ms. Reno has let Judge Norma Holloway Johnson of Federal District Court handle the investigation of alleged grand jury leaks from Mr. Starr's staff because Judge Johnson, as chief judge here, oversees the grand jury.

The judge named a special master to look into the accusations.

Mr. Starr has picked a team of former Justice officials to oversee an investigation of whether one of his main Whitewater witnesses, David Hale, received cash from people working for American Spectator magazine.

Lawyers To Oppose Counsel Law

LOS ANGELES, Feb. 8 (Reuters) — The American Bar Association, which had urged the creation of the independent counsel law that gave Mr. Starr the power to investigate President Clinton, voted today to oppose the renewal of the law.

Although the association had long supported the 1976 law, its policy-making House of Delegates voted 384 to 49 to oppose renewal of the law, which expires in June.

The association, with 400,000 members, is a powerful voice in Washington.

The association's president, Philip Anderson of Little Rock, Ark., said he believed that the vote did not reflect feelings about any one investigation or prosecutor.

"I believe the house voted as it did based on cumulative evidence of the last 20 years," Mr. Anderson said.

Attachment 2

The New York Times
WEDNESDAY, FEBRUARY 10, 1999

Inquiry to Ask Whether Reno Was Misled by Starr's Office

By DAVID JOHNSTON and DON VAN NATTA Jr.

WASHINGTON, Feb. 9 — The Justice Department has decided to begin an inquiry to determine whether Kenneth W. Starr's prosecutors misled Attorney General Janet Reno about possible conflicts of interest when they obtained permission to investigate the Lewinsky matter in January 1998, Government officials said today.

Among other concerns, the inquiry will focus on whether the prosecutors should have disclosed the contacts between Mr. Starr's office and the Paula Jones legal team in the weeks leading up to Mr. Starr's decision to ask Ms. Reno to expand his inquiry beyond the Whitewater matter, said the officials, who spoke on the condition of anonymity.

In recent months, documentation has emerged indicating that there were conversations between a prosecutor in Mr. Starr's office and a lawyer working behind the scenes with the Jones legal team from November 1997 to January 1998.

But a series of newly disclosed notes taken at the initial meetings on Jan. 15 and Jan. 16, 1998, between Mr. Starr's prosecutors and Justice Department officials, shows that the prosecutors flatly asserted that there had been no contacts with the Jones team.

For example, Eric H. Holder Jr., the Deputy Attorney General, wrote in his three pages of notes of a Jan. 15, 1998, meeting with Mr. Starr's prosecutors: "They've had no contact with plaintiff's attys."

Handwritten notes by two other Justice Department officials, Monty Wilkinson and Josh Hochberg, corroborate the statements attributed to Mr. Starr's prosecutors.

Moreover, notes taken by another participant in the meeting, Steven Bates, a prosecutor in Mr. Starr's office, indicate that Jackie M. Bennett, one of Mr. Starr's deputies, told the Justice Department officials: "We've had no contact with the plaintiffs' attorneys. We're concerned about appearances."

The notes have become crucial evidence in the Justice Department inquiry, which will be conducted by the Office of Professional Responsibility, which investigates prosecutorial misconduct. The lawyers' notes became public just last month as part of the Senate record of documents related to the impeachment trial of the President.

The truthfulness of Mr. Starr's prosecutors is one of several issues that the department wants to examine, the Government officials said. Lawyers in the ethics office also intend to investigate whether Mr. Starr abused his authority to convene grand juries, or improperly pressed witnesses like Ms. Lewinsky, and disclosed secret grand jury information to reporters, the officials said.

Mr. Clinton's lawyers and supporters have long contended that there

Continued on Page A21

Justice Department to Examine Starr Request to Expand Whitewater Inquiry

Continued From Page A1

was collusion between Mr. Starr's office and the conservative Jones lawyers, noting that Linda R. Tripp found her way to the Office of Independent Counsel through a group of private lawyers who performed legal work on the Jones case. Mr. Starr has insisted that his office sought permission from Ms. Reno to expand his jurisdiction when he learned of allegations that President Clinton's close friend Vernon E. Jordan Jr. was helping Monica S. Lewinsky find a job in exchange for her silence as a possible witness in the Jones lawsuit.

Charles G. Bakaly 3d, a spokesman for Mr. Starr's office, would not comment on the Justice Department's plans to start an investigation. But Mr. Bakaly said the notes showed that prosecutors had supplied the Justice Department with a thorough status report on the then-nascent inquiry.

"I don't know how else to put it," Mr. Bakaly said. "There was no misleading of Justice. This was a very fluid evolving situation. Unlike most public corruption cases, this one was ongoing; felonies were still possibly being committed."

This latest inquiry has exacerbated tensions that have existed between the Justice Department and the Office of Independent Counsel almost since the beginning of the Lewinsky scandal.

At one point last spring, Ms. Reno asked her senior aides to research whether she had the authority to discipline Mr. Starr in some way that stopped short of removing him, said a former Justice Department official who spoke on condition of anonymity.

Some aides told her that it would be a mistake, comparing it to the "Saturday Night Massacre" when President Nixon ordered the firing of the Watergate special prosecutor Archibald Cox in October 1973.

But, the official said, Ms. Reno shot back: "I'm not asking you to make a political judgment. I'm asking you to make a legal judgment."

Deepening hostilities between the Justice Department and Mr. Starr's office delayed the start of the new ethics inquiry. The ethics investigators recently wrote to Mr. Starr outlining the scope and authority for the investigation, the officials said. Mr. Starr's prosecutors are challenging the inquiry, asserting that the Attorney General does not have the authority to delve into highly sensitive grand jury material or investigative decisions that led Ms. Reno to refer the case to Mr. Starr.

Ms. Reno's aides have said that investigative authority is implied by language in the independent counsel statute, which gives the Attorney General the sole responsibility to remove an independent prosecutor.

Over time, Justice Department officials, including Ms. Reno, have become troubled by what they view as possible violations of Justice Department guidelines. From issues like calling the Secret Service before the grand jury to the crossfire over leaks to reporters, Mr. Starr's prosecutors and Justice Department officials have feuded privately.

"As time went on, people became more and more frustrated with him," the Justice Department official said of Mr. Starr. "He seemed less concerned with Department of Justice policies."

The ethics lawyers are trying to determine whether prosecutors in Mr. Starr's office had a vested interest in the outcome of the Jones case, an interest that would have undercut their ability to impartially investigate allegations related to the lawsuit. If that conflict existed, the officials said, it would have been an important factor as Ms. Reno weighed whether to recommend to a three-judge panel that Mr. Starr take on the Lewinsky matter.

At this point, the ethics unit of the Justice Department must determine whether Mr. Starr and his prosecutors violated departmental rules and prosecutorial guidelines. Their findings could lead to recommendations for disciplinary action, like reprimands or suspension of employment.

The relationship between Ms. Reno and Mr. Starr began as a wary but cordial one that a Government official compared to "Thatcher and Gorbachev."

At times, Ms. Reno has expressed exasperation over Mr. Starr's conduct, fuming over letters sent by Mr. Starr's prosecutors accusing the Justice Department of trying to undercut the inquiry.

Mr. Starr's prosecutors had also grown angry and suspicious about Ms. Reno's aides, suggesting that the Justice Department was under the control of the White House and had quietly tried to squelch Mr. Starr's effort, the officials said.

Since October, several news organizations have reported how Mr. Starr's office first learned about the Lewinsky matter. On Jan. 8, 1998 — four days before Linda R. Tripp contacted Mr. Starr's office — Jerome M. Marcus, a Philadelphia lawyer who did extensive work for the Jones legal team, informed Paul Rosenzweig, a prosecutor in Mr. Starr's office, about the Lewinsky accusations.

The early tip was not disclosed in Mr. Starr's 445-page referral to Congress. Nor was it disclosed to the Justice Department. And The New York Times reported last month that there were several conversations between Mr. Marcus and Mr. Rosenzweig from November 1997 to January 1998.

David E. Kendall, one of the President's personal lawyers, complained to Ms. Reno in October that "very serious questions" were raised about those contacts.

The allegations of collusion prompted lawyers at the Justice Department to turn their attention to their own recollections, and their own handwritten notes, of statements made by Mr. Starr's representatives on Jan. 15, 1998, officials said today.

One former Justice Department lawyer said in an interview that Ms. Reno was especially disappointed in the fact that the early phone call was not shared with her senior aides in January 1998.

Last month, The New York Times reported that Mr. Marcus was the leader of a small secret group of lawyers working behind the scenes on the Jones case. Mr. Marcus drafted legal documents and was involved in many of the most important strategic decisions in the Jones lawsuit, according to billing records in the Jones case and interviews with other lawyers who worked with him.

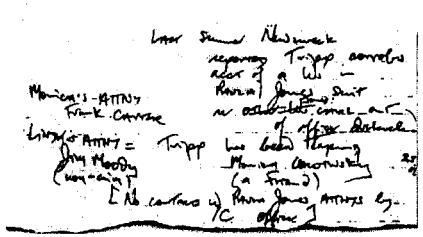
Mr. Marcus recruited other conservative lawyers to assist with his efforts, approaching among others, Paul Rosenzweig, who briefly considered doing work for Ms. Jones in 1994, the billing records show, but decided not to.

In November 1997, Mr. Rosenzweig joined Mr. Starr's office, where he and Mr. Marcus had several conversations about the Jones case, said a lawyer familiar with their discussions.

Mr. Bakaly, the spokesman for Mr. Starr, has adamantly denied any suggestion of collusion. When Mr. Starr testified before the House Judiciary Committee on Nov. 19 of last year, he was asked by the chief counsel for the minority, Abbe D. Lowell, about the "substantial contacts" that Mr. Starr had had with Jones lawyers.

In a series of questions, Mr. Lowell tried to suggest that Mr. Starr should have revealed the contacts to the Justice Department in January 1998, and that Richard W. Porter, a partner of Mr. Starr's at the law firm, Kirkland & Ellis, had declined a request to represent Ms. Jones.

"I know Richard Porter; I've had communications with him from time to time," Mr. Starr testified. "But in terms of a specific discussion with respect to what the law firm may be doing or may not be doing, I'm not recalling that specifically, no."



Part of notes by Josh Hochberg, a Justice Department official, indicating that the lawyers from the independent counsel's office said they had never spoken with lawyers for Paula Corbin Jones.

THE CALENDAR

Trial Schedule

TODAY The Senate continues deliberations in private. The next public action is expected to be a vote on the articles of impeachment, probably on Thursday or Friday.

Attachment 3

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BERNARD SANDERS, VERMONT
INDEPENDENT

December 7, 1998

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Dear General Reno:

As you know, I have had an ongoing concern that political appointees at the Justice Department have leaked material from the campaign finance investigation, including reportedly highly classified information, to the press. I have sent a number of letters to you with examples of leaks by high-ranking Justice Department officials, yet, the problem continues unabated. The last several weeks have seen major leaks from Justice Department investigations. I have summarized these leaks in this letter in the hope that you will take some corrective action.

I also bring this matter to your attention because it underscores the point that I have been making for almost two years - that the law requires and the facts necessitate that you appoint an independent counsel to investigate the campaign finance scandal. The Independent Counsel Act is meant in part to protect the Justice Department from an appearance of a conflict of interest when investigating the President or other high-level officials. When your investigation leaks to this extent, it renews my concern that your investigation is not independent or impartial. Rather, it appears that many in the senior ranks of the Justice Department may be attempting to aid the Administration by prematurely releasing information. These leaks erode your credibility in a number of ways:

- These leaks constitute the improper release of sensitive information. The leaks have contained information that appears to be covered by Rule 6(e) of the Federal Rules of Criminal Procedure, or that is reportedly classified. Leaks by "senior Justice Department officials could provide a "heads up" to targets of investigations, and may compromise various investigations conducted by the Department.

- Your senior aides at the Justice Department are releasing this information at the same time that you are refusing to comply with lawful Congressional subpoenas for two

investigative memoranda. You base your refusal to comply with this Committee's subpoena on the purported harm that would befall your investigation if you produced the subpoenaed documents. Yet, you apparently allow your aides to discuss precisely the same information with newspaper reporters.

- These leaks lead many to conclude that the Justice Department has a partisan agenda. It appears that many of the leaks have been timed to minimize the impact of harmful news for the Administration, or in other cases, they are used to undermine the credibility of individuals offering testimony against the Clinton Administration.

Even as you considered whether to appoint an independent counsel to investigate the fundraising telephone calls of Vice President Gore, senior staffers at the Justice Department were discussing your decisionmaking process with several newspapers. On November 24, 1998, the New York Times reported a number of details of the debate among your advisors in the decisionmaking process, and concluded that you were "unprepared to declare whether [you] had decided to refer the allegations about Mr. Gore's case to an outside prosecutor . . . ." David Johnston, *"Reno's Aides Split on Merits of Need for Gore Prosecutor,"* New York Times, November 24, 1998 (Attachment 1). That same day, the Washington Times cited Justice Department officials saying that "they believe the attorney general will reject accusations that there is specific and credible evidence of criminal wrongdoing [in the Gore case.]" Jerry Seper, *"No Outside Counsel Likely in Probe of Gore Campaign Calls,"* Washington Times, November 24, 1998 (Attachment 2). These reports are troubling in that they contain details of your decisionmaking process, and that they also indicate that a number of your close advisors believed that you had already made up your mind, even though you had not shared that conclusion with the public.

As you can see from the following summary, it appears that the Justice Department has a considerable problem with leaks in this highly-charged investigation, which may lead to the highest levels of the White House and the Democratic National Committee. It also appears that some individual or individuals in the senior ranks of the Justice Department may be using leaks to pursue a partisan agenda.

1. Leaks Regarding an Investigation of Independent Counsel Starr

One of the most recent reported leaks by a senior Justice Department official was in the November 23, 1998, Newsweek magazine. According to Newsweek, the Justice Department "is close to launching a formal ethics probe into at least one episode of [Independent Counsel Kenneth] Starr's handling of the Lewinsky investigation." Daniel Klaidman, *"Starr on the Stand,"* Newsweek, November 23, 1998 (Attachment 3). This revelation came only several days before the Independent Counsel's appearance before the Judiciary Committee, and was used as grist for detractors of the Independent Counsel at that hearing. As the article notes, this is an ongoing investigation.

The Independent Counsel is acting in the place of the Justice Department in this investigation, and as such, it is improper for the Justice Department to try to impede or

denigrate the efforts of the Independent Counsel. Unfortunately, as this Committee learned from the testimony of Independent Counsel Donald Smaltz, the Justice Department has often impeded the activities of Independent Counsels. *Hearing, "The Current Implementation of the Independent Counsel Act,"* House Committee on Government Reform and Oversight, December 10, 1997. Whether or not you have approved of this release of information about Independent Counsel Starr, or whether you have taken any action to determine the source of the leak is unclear.

2. Leaks Regarding DNC Issue Ads

Leaks are even more prevalent in the Justice Department's campaign finance investigation. The day after Justice Department lawyers interviewed President Clinton regarding his role in crafting DNC "issue ads" promoting his presidency, a senior official in the Justice Department leaked information relating to that interview. Judging from the quote provided to the Washington Post, that senior official clearly gave the reporter the impression that it was unlikely that you would appoint an Independent Counsel:

> "[b]ecause this involves political speech, which clearly falls under the protection of the First Amendment, there is a relatively high threshold for determining what constitutes criminal behavior," said a senior Justice Department official. "There are not a lot of mysteries surrounding how the DNC ads were produced and financed, but whether anything crossed that threshold is another matter." John F. Harris and Roberto Suro, *"Clinton: 1996 'Issue Ads' Passed Legal Test,"* Washington Post, November 10, 1998 (Attachment 4).

As you know, Director Freeh and Mr. La Bella have already indicated that an independent counsel is mandated by law in this matter; yet senior officials on your staff continue to undermine this recommendation.

3. Leaks Regarding the Investigation of John Huang

Your staff also has leaked information regarding the investigation of former DNC Finance Vice-Chair and Presidential appointee John Huang. On October 2, 1998, the Washington Post reported that the Justice Department was no longer seeking to prosecute John Huang:

> Now, instead of pressuring Huang to say what he knows about White House officials in exchange for immunity from prosecution, federal prosecutors are bargaining to get his testimony against Maria Hsia, a California fundraiser already under indictment who played a minor though controversial role in 1996, according to lawyers close to the case.

***

> And a senior Justice Department official said that some investigators have concluded that Huang does not have information that would support the prosecution of the Democratic officials who received and spent the funds he raised or the White House officials who promoted his career in Washington.
>
> As a result, attention has turned to the possibility that Huang might be able to bolster the endangered case against Hsia. Roberto Suro, *"Prosecutors' Approach to Huang Signals Shift in Campaign Probe,"* The Washington Post, October 2, 1998 (Attachment 5).

I have already addressed the disturbing substance of this news story with you in another letter. (Attachment 6) However, it is highly improper for senior Justice Department officials to be discussing with newspaper reporters prosecutorial strategy regarding the central figure in the campaign fundraising scandal, who also happens to be a long-time friend of the President. Again, the irony of your refusal to comply with this Committee's subpoena must be noted. You have refused to produce subpoenaed documents to this Committee because you are afraid that the members of the Committee would publicly disclose a "roadmap" to the investigation. It appears that it is your own Justice Department staff that is disclosing your investigative roadmap and signaling individuals who many would consider major targets that they need not worry about prosecution.

4. Leaks Regarding the La Bella Memorandum

In July 1998, shortly after Charles La Bella, the head of the Campaign Finance Task Force, gave you his memorandum concluding that you were required by law to appoint an Independent Counsel, details of that memorandum were released to the press. Again, unnamed "senior Justice Department officials" released sensitive investigative materials to several newspapers:

> Government sources, even those speaking anonymously, declined to provide specifics on La Bella's report, which runs more than 100 pages. But one source who had read the report said it represents "a fresh approach to everything he [La Bella] has seen" and called for legal conclusions and steps that had not been advanced earlier. Ronald J. Ostrow, *"Report to Reno Urges Independent Counsel on Fund-Raising,"* Los Angeles Times, July 24, 1998 (Attachment 7).
>
> Officials familiar with Freeh's memo last winter and La Bella's current report said that La Bella's includes a much more extensive review of the evidence and makes a firmer conclusion that there are sufficient indications of wrongdoing by top officials to oblige Reno to seek an outside prosecutor. As with the Freeh memo, the basic argument is that top Democratic and White House officials conducted a systematic and deliberate effort to circumvent campaign finance laws setting limits on

> fund-raising and defining what constitutes a legal contribution. Roberto Suro and Michael Grunwald, *"Independent Probe of '96 Funds Urged; Reno Noncommittal on Campaign Report,"* The Washington Post, July 24, 1998 (Attachment 8).

Another leak of the La Bella memorandum occurred in the pages of the Wall Street Journal. There, it was reported that the La Bella memorandum focused on potential wrongdoing by Harold Ickes:

> Charles La Bella's findings, presented in a lengthy memorandum to Ms. Reno, focus sharply on the fund-raising efforts of Harold Ickes, the former deputy White House chief of staff. They form the basis of Mr. La Bella's recommendation that Ms. Reno seek the appointment of an independent counsel. Brian Duffy, *"Campaign Probe Looked at Ickes, Says La Bella,"* The Wall Street Journal, August 3, 1998 (Attachment 9).

This leak included information likely covered by Rule 6(e) of the Federal Rules of Criminal Procedure. As you know, when we were permitted to review a copy of the La Bella memorandum, your staff redacted all grand jury information from the memorandum. The heavily-redacted copy that we reviewed did not contain references to particular individuals such as Harold Ickes. Therefore, someone on you staff concluded that the information about Mr. Ickes was covered by Rule 6(e), or was somehow too sensitive to be reviewed by members of Congress. However, precisely that information was leaked to the press by your staff at the Justice Department.

While you apparently tolerated such public release by your senior staff, you refused to provide the same memorandum to Members of Congress charged with oversight of the Justice Department. In his testimony before the Committee, Mr. La Bella stated that he made only three copies of the memo, one for himself, one for FBI Director Louis Freeh, and one for you. He also told the Committee that at least nine copies of the memorandum were circulated to senior officials in the Justice Department, including political appointees Eric Holder and Robert Litt. Apparently one of the recipients of the nine copies that you distributed leaked the contents of Mr. La Bella's memo.

5. Leaks Regarding Johnny Chung's Testimony

One of the most disturbing leaks to come from the Justice Department concerned the testimony of DNC fundraiser Johnny Chung. After Mr. Chung pled guilty to criminal charges and began cooperating with the Justice Department, details of his testimony, which were reportedly classified, were on the pages of the New York Times and Washington Post:

> A Democratic fund-raiser has told Federal investigators he funneled tens of thousands of dollars from a Chinese military officer to the Democrats during President Clinton's 1996 re-election campaign, according to

lawyers and officials with knowledge of the Justice Department's campaign finance inquiry.

The fund-raiser, Johnny Chung, told investigators that a large part of the nearly $100,000 he gave to Democratic causes in the summer of 1996 - including $80,000 to the Democratic National Committee - came from China's People's Liberation Army through a Chinese lieutenant colonel and aerospace executive whose father was Gen. Liu Huaqing, the official and lawyers said.

***

A lawyer for Mr. Chung, Brian A. Sun, declined to comment on his client's conversations with investigators, citing his client's sealed plea agreement with the Justice Department. **"I'm shocked that sources at the Justice Department would attribute anything like that to my client."** Jeff Gerth, *"Democrat Fund-Raiser Said to Detail China Tie,"* New York Times, May 15, 1998 (Attachment 10).

Democratic fund-raiser Johnny Chung has told Justice Department investigators that a Chinese military officer who is an executive with a state-owned aerospace company gave him $300,000 to donate to the Democrats' 1996 campaign, according to federal officials . . . Roberto Suro and Bob Woodward, *"Chung Ties China Money to DNC,"* The Washington Post, May 16, 1998 (Attachment 11).

After this information was released, Democratic members of this Committee attacked Mr. Chung. In violation of an agreement that they made with Mr. Chung, Congressmen Waxman and Kanjorski made statements characterizing a confidential proffer given by Mr. Chung to the Committee. This attack was designed to harm Mr. Chung's credibility, now that he had agreed to cooperate and testify against the Democratic National Committee. I am disturbed that the leak from your investigation triggered this attack on Mr. Chung, and I am troubled that it may have compromised your investigation in some way.

6. Leaks Regarding the "China Plan"

The Justice Department also appears to have leaked reportedly sensitive information relating to the FBI's investigation of Chinese efforts to influence federal elections. In February 1997, The Washington Post published a report describing materials that the newspaper reported as gathered by the FBI through electronic intelligence:

A Justice Department investigation into improper political fund-raising activities has uncovered evidence that representatives of the People's Republic of China sought to direct contributions from foreign sources to

> the Democratic National Committee before the 1996 presidential campaign, officials familiar with the inquiry said. Bob Woodward and Brian Duffy, *"Chinese Embassy Role in Contributions Probed; Planning of Foreign Donations to DNC Indicated,"* The Washington Post, February 13, 1997 (Attachment 12).

Despite the fact that this sensitive information was leaked, further information reportedly regarding the investigation was again released several months later:

> The evidence also shows links between the Chinese government and several U.S. citizens, including a Democratic fund-raiser in Los Angeles whom several officials characterize as an "agent" for the Chinese. Officials would not provide details of the highly classified intelligence.
>
> ***
>
> The belatedly discovered files indicate that Maria Hsia - a Taiwanese American immigrant who for a decade has raised money for Democratic causes - was "doing the bidding" of Beijing as a Chinese agent, a senior official said. Bob Woodward, *"FBI Had Overlooked Key Files In Probe of Chinese Influence,"* The Washington Post, November 14, 1997 (Attachment 13).

These leaks of reportedly classified intelligence information are very troubling to me. Not only do they potentially compromise an important investigation, they also potentially compromise national security information.

These news reports that I have described in this letter represent merely a portion of the improper and potentially illegal leaks that apparently have come from senior Justice Department sources. I am aware that you have started investigations into some of these leaks. However, I am disturbed that these leaks are continuing unabated. They may potentially undermine the important work of the Department, particularly in the campaign finance investigation. I have sent a copy of this letter to the Office of Professional Responsibility at the Justice Department, so that they can review the history of leaks at the Department, and investigate and determine which senior Justice Department officials are the source of these highly improper leaks.

I have made no secret of my firm belief that this investigation of illegal campaign fundraising must be conducted by an independent counsel. It is clear that you have hopeless conflicts in investigating your own boss. FBI Director Louis Freeh and chief prosecutor Charles La Bella have presented you with detailed explanations of why the appointment of an independent counsel for this entire investigation is mandated by law. However, you have for nearly two years resisted taking this step, apparently on the counsel of political appointees in your department. I hope that you understand that as long as important decisions about the course of this investigation are being made by

political appointees, this unending stream of leaks will continue to appear politically motivated.

Sincerely,

Dan Burton
Chairman

Attachments

cc: H. Marshall Jarrett, Counsel, Office of Professional Responsibility
The Honorable Henry Waxman

ATTACHMENT
1

Reno's Aides Split on Merits Of Need for Gore Prosecutor

A-1
NYT 11-24-8

By DAVID JOHNSTON

WASHINGTON, Nov. 23 — Several of Attorney General Janet Reno's close aides advised her today in a private meeting at the Justice Department that Federal law required her to seek an independent counsel to investigate Vice President Al Gore's political fund-raising efforts, law-enforcement officials said.

But other advisers at the meeting disputed that interpretation of the law. Ms. Reno, who must decide the issue by Tuesday, is still considered likely to reject such an appointment, the officials said, a move that would spare Mr. Gore further scrutiny at a critical phase of his effort to solidify his Presidential credentials.

Ms. Reno has remained taciturn. At the conclusion of today's meeting, she told her aides that she was unprepared to declare whether she had decided to refer the allegations about Mr. Gore's case to an outside prosecutor, the officials said. The debate, said one official, was "spirited."

At issue in Mr. Gore's case is whether the independent counsel law permits Ms. Reno to close an inquiry when there are relevant facts in dispute — in this case conflicting witness accounts of senior campaign officials who, along with Mr. Gore, attended a Nov. 21, 1995, White House fund-raising meeting.

Some participants of the meeting recalled discussing how the money raised by Mr. Gore would be divided for direct and indirect campaign efforts, others said that was not discussed and a few could not recall the meeting's specifics, law-enforcement officials said.

In light of the conflicting accounts, the split among her top aides reflects a longstanding legal debate within the Justice Department about how to interpret a key provision of the independent counsel statute. One side says the law clearly dictates seeking an independent counsel when contradictory evidence cannot be resolved. The other side is arguing that Ms. Reno is not obligated to seek an independent counsel because the case, partly based on whether the money Mr. Gore raised was used legally, is so technical that a prosecutor would be unlikely to obtain an indictment.

Ms. Reno's decision in the Gore case is the first of three independent counsel decisions that she must make in the next two weeks. Under the independent counsel statute, Ms. Reno has 90 days to decide whether to go forward with an inquiry. The three-month period for Mr. Gore ends on Tuesday. After Mr. Gore, she must decide next week whether to seek an appointment in the case of Harold M. Ickes, the former White

Continued on Page A21

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Aides Split On Prosecutor In Gore Case

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Continued From Page A1

NYT

House deputy chief of staff.

In December, Ms. Reno must decide whether to seek an outside counsel to investigate whether President Clinton and his aides broke the law when they set up a multimillion-dollar advertising campaign financed by the Democratic National Committee. Federal rules limit such advertising campaigns to generic party commercials, but Federal Election Commission auditors have said the advertisements directly supported the Clinton-Gore campaign.

Ms. Reno, who has referred accusations against six Clinton Administration officials to independent prosecutors, has never allowed an outside counsel to review any issue directly related to how the Democrats financed the 1996 campaign, although she has considered the issue on several occasions.

In part, officials said they believed that Ms. Reno's unwillingness to open the Democrats to the potentially sweeping scrutiny of an independent prosecutor stemmed from a view within the Justice Department that the loosely written campaign finance laws offered little traction for prosecutors trying to seek evidence of criminal conduct.

Nevertheless, Republicans in Congress have repeatedly attacked Ms. Reno, accusing her of blatantly using her office as a political shield for the White House, protecting not only Mr. Clinton, but also the Democratic Party. She opened the inquiries into Mr. Gore, Mr. Ickes and Mr. Clinton, only after Charles G. La Bella wrote her a memorandum recommending an independent counsel. Mr. La Bella's memorandum came after Director Louis J. Freeh of the F.B.I. had reached a similar conclusion. Should Ms. Reno decide not to seek an independent counsel for the three inquiries, it would almost certainly provide Republicans with more ammunition to attack the Administration.

Within the Justice Department, officials said Ms. Reno's narrow view of the law — in the campaign finance context — was based on a different perception that some independent counsels have misused the offices.

Ms. Reno has been said by some aides to have expressed concern about the conduct of more than one independent counsel. She has disapproved of some tactics, for example, when prosecutors unfairly expose low-level witnesses to the expense and embarrassment of criminal inquiries that seemed to continue and expand long after departmental prosecutors would have dropped them.

Although Ms. Reno has been careful to avoid voicing her complaints in public, some of her aides have criticized the conduct of Kenneth W. Starr, the Whitewater prosecutor, and Donald C. Smaltz, the prosecutor who has investigated Mike Espy, the former Agriculture Secretary.

In Mr. Gore's case, Ms. Reno opened an inquiry in September after a memorandum surfaced with an aide's handwritten notes that seemed to shed new light on Mr. Gore's role. The notes suggested that Mr. Gore could have known much more about the regulatory limits on his fund-raising than the Vice President had acknowledged.

Mr. Gore has said he did not realize that some of the large contributions he solicited in phone calls from his White House office would be divided into different Democratic Party accounts. But the memorandum, in which Mr. Gore was said to have remarked, "Count me in," on making fund-raising phone calls, suggested that he could have known that the money he raised would be split between hard and soft money accounts.

Contributions known as soft money can be used only for limited purposes to finance general party activities like registration drives. They are unregulated. Hard money is regulated and subject to limits, and was spent directly on Clinton-Gore reelection efforts.

The seemingly technical question of whether Mr. Gore knew the distinction between hard and soft money is significant because Ms. Reno has said that any solicitations for the Clinton re-election effort — that is, solicitation of hard money — by the President or the Vice President could have been illegal. She reasoned that under election laws, Mr. Clinton and Mr. Gore were prohibited, as Federal officials, from soliciting money on Government property.

NATION

No outside counsel likely in probe of Gore campaign calls

Jerry Seper
WASHINGTON TIMES

Attorney General Janet Reno is pected today to reject — for a :ond time — the question of ether to seek the appointment an independent counsel to in- stigate possible campaign fi- nce abuses by Vice President Al re.

Lawyers in the Justice Depart- ent's criminal division have com- sted a 90-day preliminary in- iry into accusations that Mr. re misled government officials ien they asked about funds he ised on his White House office ephone during the 1996 pres- ential campaign.

They made their findings known the attorney general over the weekend. Department officials said they believe the attorney general will reject accusations that there is specific and credible evidence of criminal wrongdoing.

Although the 90-day time period expires today, Miss Reno is expected to wait until "the last minute" to make her decision known to a three-judge panel of the U.S. Circuit Court of Appeals for the D.C. Circuit, which would name an outside prosecutor in the case.

A similar review last year cleared Mr. Gore of any wrongdoing when Miss Reno said there was a lack of credible evidence to show that Mr. Gore had violated the law.

Two other preliminary investigations by the Justice Department are under way, with decisions due by Dec. 7 on whether an outside prosecutor is warranted. They include accusations that President Clinton and his 1996 election campaign illegally evaded federal spending limits through the use of issue-advocacy ads and whether former senior White House official Harold Ickes lied to a Senate committee probing campaign finance abuses.

In the Gore probe, the vice president has acknowledged making 45 telephone calls from his office during the campaign but denied violating the law. He said last year there was "no controlling legal authority" showing any violation of campaign finance laws "whatsoever in the manner in which I asked people to contribute to our re-election campaign."

But federal law enforcement authorities refocused this year on Mr. Gore's acknowledged campaign solicitations after his public comments concerning the calls were contradicted by handwritten notes on a White House memo discovered by Justice Department investigators. The notes show Mr. Gore and several campaign officials discussed how "soft money" contributions he sought — meant for general Democratic campaign purposes — would be diverted to "hard money" donations directly to the Clinton-Gore re-election effort.

The notes, written by David Strauss, Mr. Gore's former deputy chief of staff, are said to describe a 65 percent, 35 percent split of soft and hard money for the Democratic National Committee.

Using soft money donations for direct campaign activities is against the law.

In the two other preliminary probes, Justice Department lawyers have focused on concerns by the Federal Election Commission, which questioned nearly $40 million spent by labor unions during the 1996 campaign on political ads that the unions described as issue advocacy-based — meaning they did not call for a specific candidate's election or defeat. Such ads fall outside federal election spending limits unless they are coordinated through political parties or candidates.

The FEC subpoenaed records earlier this year from several unions, the Democratic National Committee, the Democratic Senatorial Campaign Committee and the Democratic Congressional Campaign Committee, expressing concern the ads pushed the legal limits by advocating specific positions of various candidates without actually naming them.

FEC investigators have been concerned that the 1996 Clinton campaign improperly directed spending for the ads in various television markets, and that Mr. Clinton was directly involved — although no charges have ever been brought.

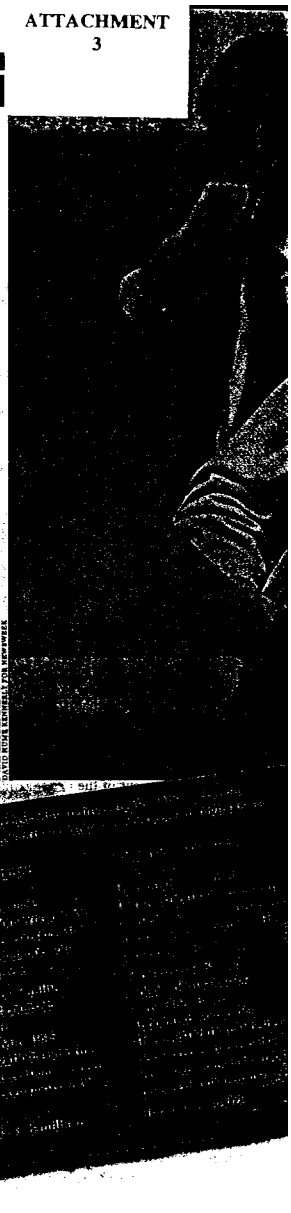
An FEC audit recommended that the Clinton/Gore campaign repay $13.4 million in federal matching funds received during the 1996 primaries.

ATTACHMENT 2

ATTACHMENT
3

NATIONAL AFFAIRS

Starr on the Stand

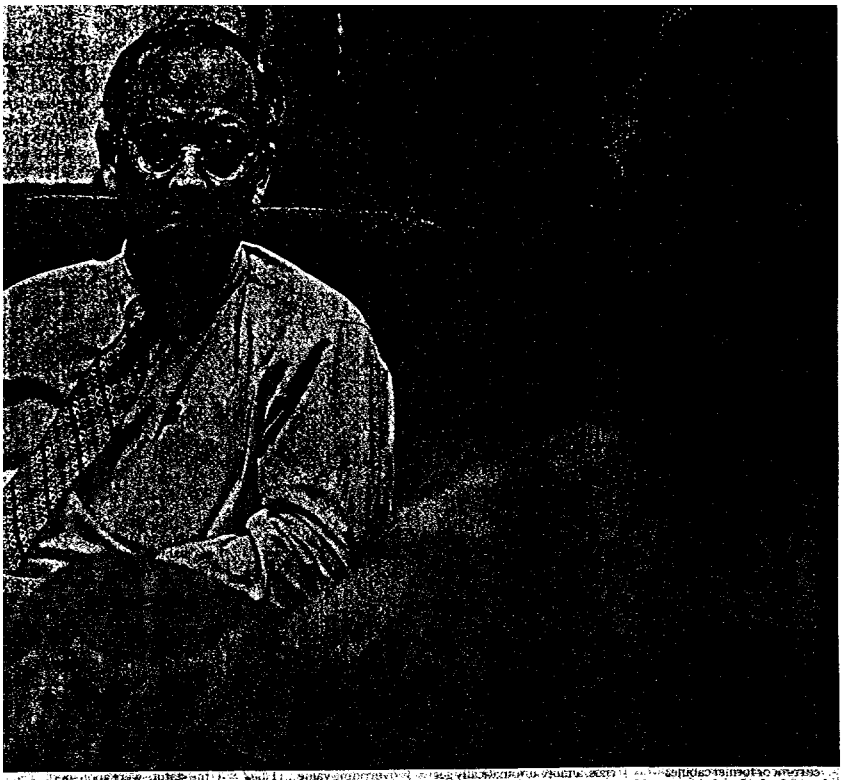


Under siege, the prosecutor—mystified and, as he puts it, 'vexed' about his low standing—prepares to face tough questions. BY DANIEL KLAIDMAN

FOR THE PAST WEEK, THE DRAB conference room of the Office of Independent Counsel has been serving as a stand-in for the ornate hearing room of the House Judiciary Committee. There, behind closed doors, Ken Starr's team of lawyers has been firing practice questions at the independent counsel, the first, and possibly the only, witness in the impeachment proceedings against President Clinton. Starr is looking forward to "the opportunity," he told one close friend, "however nasty the questions are." Starr's poll numbers are dipping into the single digits. The independent counsel is mystified—"vexed" is the word he uses—by the degree of public calumny against him. Last Friday, NEWSWEEK has learned, the usually even-tempered Starr suddenly launched into an impassioned soliloquy. Where's the outrage? the prosecutor wondered aloud to his staff. "How can this be accepted by the public and the Congress?" The lesson, he warned, is that "stonewalling works. The lies are maintained and then you can change the focus to the prosecutor." Sources tell NEWSWEEK that Starr plans to use the hearing to argue that the Lewinsky affair is part of a broader pattern of obstruction. He will make the case that he used the same time-honored tactics all prosecutors do. He believes, says a friend, that "the American people are going to see it through his eyes for the first time."

Will it work? Democrats on Capitol Hill and the White House profess to be worried that Starr will be another Oliver North, a surprisingly effective witness in his own behalf, if for no other reason than that expectations are so low. But Starr, not the president, may be the real defendant. At times Starr and his team have been clumsy and heavy-handed. Lacking experience as a prosecutor, Starr at first failed to rein in his zealous team, then inflated the investigation into a moral crusade.

Still, he plunges ahead. Late last week he sent another batch of evidence to Capitol Hill, not a formal impeachment "referral" this time, but rather testimony about Kathleen Willey's allegations that she was the victim of an unwanted sexual advance by the president in November 1993. Starr's team believes that Clinton lied to the grand jury when he denied making a pass at Willey. The new evidence includes testimony from some of Willey's co-workers, who corroborate some details of Willey's ac-



count—and allegations that the president's lawyer Robert Bennett tried to discuss her impending testimony with her last fall. Bennett has said he was merely trying to reassure Willey—at the request of her lawyer—that he was not hostile. Even so, it remains a he said/she said case. In a last-ditch effort on the Whitewater investigation, Starr indicted—for the third time—Clinton friend and former top Justice Department official Webster Hubbell. Starr's deputies have long suspected that Hubbell was paid off to keep quiet about criminal wrongdoing in Whitewater. But the most they were able to throw at Hubbell last week were warmed-over charges that he lied to Congress and federal regulators about an obscure Arkansas financial deal in the mid-'80s. Through his lawyer, John Nields Jr., Hubbell said that "It is not normal for a prosecutor to keep indicting the same person over and over again." There are references in the indictment to Hillary Clinton's missing law-firm billing records—but no allegation of wrongdoing by the First Lady. A White House official dismissed Starr's latest move as "an effort to kick up dust."

War games: *Starr with his staff inside his Washington office last week; spokesman Charles Bakaly is in the background*

Some of that dust may stick to Starr. NEWSWEEK has learned that the Justice Department is close to launching a formal ethics probe into at least one episode of Starr's handling of the Lewinsky investigation. On the night the independent counsel's deputies first confronted Lewinsky last January and tried to "flip" her—make her a cooperating witness—Lewinsky asked to talk to her lawyer, Frank Carter. According to Lewinsky's later testimony before the grand jury, Starr's deputies discouraged her. The prosecutors, she said, told her that Carter was not a criminal lawyer (in fact, he had run the public-defenders program in D.C.'s criminal courts). And they suggested that if she called her lawyer, she risked losing her chance to get immunity from prosecution. Without immunity, they warned, she faced 27 years in prison. Weeping, Lewinsky said she wanted to call her mother. Starr's top deputy, Jackie Bennett, scoffed, "You're old enough, you don't need to call your mommy." Under Justice Department rules for all federal prosecutors, it is unethical to keep criminal suspects from calling their lawyers. Starr's deputies contend that at the time Carter was a potential target of their investigation—though it later turned out he did nothing wrong. In the end, Lewinsky did call her mother and refused to talk to the Feds until she had consulted a lawyer.

Democrats are eager to go after Starr and his tactics at this week's hearing. He may be accused of neglecting to report evidence

that might have undermined the credibility of his key witness, Monica Lewinsky. Clinton defenders point to the testimony of a woman who interviewed Lewinsky for a job in New York. After the interview, Lewinsky preposterously bragged that Hillary Clinton had offered to help find her an apartment.

The Democrats may be able to chip away at Starr and his case against Clinton. Even so, it still appears that the Judiciary Committee, dominated by conservatives, will vote along party lines to impeach Clinton. The real question is what happens when the whole House votes on Clinton's fate, possibly sometime before Christmas. Many Republicans—including Rep. Bob Livingston, who is expected to succeed Newt Gingrich as speaker this week—appear to want the whole scandal to just go away. By early next year only Ken Starr may remain embattled. He will be busy defending investigations against his office—for leaking and other prosecutorial misconduct. His final legacy? Next year Congress is supposed to renew the law requiring a special prosecutor to investigate criminal allegations against top federal officials. After Starr's probe, Washington may just let the law quietly expire.

With MARK HOSENBALL *and* MICHAEL ISIKOFF

Time to Close Up Shop

Had enough of Starr & Co.? The case for abolishing the independent-counsel statute. BY STUART TAYLOR JR.

TEN YEARS AGO JUSTICE Antonin Scalia foresaw just about everything about the independent-counsel law. "[T]he independent counsel ... operating in an area where so little is law and so much is discretion," wrote Scalia in a lone dissent from the Supreme Court's 1988 decision upholding the law, "is intentionally cut off ... from the perspective that multiple responsibilities provide ... How frightening it must be to have your own independent counsel and staff appointed, with nothing else to do but to investigate you [and with no] competing responsibilities."



DAVID BURZ FENNELS FOR NEWSWEEK

Expiration date: *Whither the statute that gave us Starr?*

Bill Clinton—and the four current or former cabinet members now being pursued by independent counsels—would surely nod in vigorous agreement. Once a supporter of the statute, I now believe the cure of the independent-counsel law is even worse than the risk that some lawlessness in high places may go unpunished. Congress should let the law die when it comes up for review next summer.

Why? Because, as Scalia predicted, too much has gone wrong with the system of independent counsels. They are lawyers who are appointed by a panel of judges at the request of the attorney general. A statutory hair trigger means that "covered persons," mostly high executive-branch officials, almost automatically get an independent counsel once a credible charge of criminality has been leveled. This can force independent probes of allegations that Justice doesn't consider serious. The prosecutors are then given an essentially unlimited budget and can only be fired for "good cause," which may be difficult to prove.

Prosecutors thus quickly become fixtures, feeding the unhealthy Washington obsession with scandal. "The notion that every violation of law should be prosecuted, including—indeed, especially—every violation by those in high places, is an attractive one," Scalia wrote. "... The reality is, however, that it is not an absolutely overriding value ... [T]he benefits of this legislation are far outweighed by its harmful effect upon our system of government." The effects? A weakened presidency is one; another is subjecting high officials to a uniquely merciless brand of prosecutorial scrutiny—which is at best a distraction and at worst debilitating.

The current mess isn't entirely—or even mostly—Starr's fault. Clinton's own Justice Department understands that an independent counsel had to investigate the Clinton-Lewinsky evidence. The statute requires the attorney general to seek an independent counsel whenever she receives "specific" and "credible" evidence implicating the president. So even if Tripp had instead taken her tapes to Janet Reno, the statute would have required Reno to seek the appointment of someone (if not Starr) as independent counsel.

The statute actually has few friends. Most Democrats believe that prosecutors should not have pestered Clinton over his Lewinsky lies, and would logically oppose the law's renewal in its current form. Meanwhile, many Republicans who thought the statute led to "partisan political fishing expeditions" (Bob Dole's words) during the Reagan and Bush administrations may decide it's time to deep-six the current system.

But wouldn't high-level lawlessness then run unchecked? Not really. History shows that when a truly major allegation of presidential wrongdoing comes to light, political pressure tends to force Justice to appoint a special prosecutor. This would still happen even if the statute were abolished. Such special prosecutors—Archibald Cox was one—are usually able to conduct probes that in fact have a large degree of independence. Justice may be better at picking prosecutors to handle such matters than judges anyway: Cox, Leon Jaworski and Robert Fiske were all named by Justice, not by judges, and all were arguably better-suited for their jobs than Starr or Lawrence Walsh. To be sure, some forms of wrongdoing might go unexposed, but there may be—as we've seen this year—worse things than that.

TAYLOR, *a senior writer at National Journal, is a contributing editor for* NEWSWEEK

Clinton: 1996 'Issue Ads' Passed Legal Test

Attorneys Had Reviewed Spots, President Says in Interview With Justice Dept. Staff

By JOHN F. HARRIS and ROBERTO SURO
Washington Post Staff Writers

Facing Justice Department investigators in a 90-minute interview at the White House, President Clinton said yesterday he and his political team had been assured by lawyers that the Democratic "issue advertisements" they orchestrated during the 1996 campaign were legal.

Clinton met voluntarily with two Justice Department lawyers and two FBI investigators in the Treaty Room on the second floor of the White House, according to advisers. The session was part of a 90-day inquiry Attorney General Janet Reno is conducting to determine whether to request the appointment of an independent counsel to investigate Clinton's role in supervising a massive ad campaign paid for by the Democratic National Committee.

Reno, who launched her review after a preliminary report by the Federal Election Commission concluded that Clinton illegally benefited from the party ads, has until Dec. 7 to decide whether to ask a special court to install an independent counsel.

Clinton's defense has been that the Democratic ad campaign, which cost $44 million or more in 1995 and 1996, was legal, but that even if it were not prosecutors must show an intent to break the law. If lawyers told him the ads were legal, the reasoning goes, there was no way the president could have sought to violate the law.

This is essentially what Clinton told his Justice Department interrogators yesterday, according to sources familiar with his testimony.

White House officials said little publicly about the session. In a written statement, Clinton's private attorney, David E. Kendall, said, "As the president has previously announced, he is cooperating fully with this investigation and voluntarily agreed when an interview was requested."

In recent weeks, the Justice Department has busily been conducting interviews for the case. Vice President Gore is to be interviewed later this week, his private attorney, James Neal, said yesterday. White House senior adviser Douglas B. Sosnik, who served as White House political director during the 1996 campaign, was interviewed late last month.

Yesterday marked the ninth time Clinton has been interviewed in various criminal or civil proceedings since he became president, either as the target of an investigation or a witness in other cases.

Clinton was interviewed almost a year ago by the Justice Department when investigators were examining whether he violated the law by making telephone fund-raising solicitations from the White House; Reno

See CAMPAIGN, A7, Col. 1

Clinton Defends Legality of 1996 Ads in Justice Dept. Review of Campaign

CAMPAIGN, From A6

chose not to seek an independent counsel in that case.

This fall, Reno is conducting three simultaneous inquiries into various aspects of Democratic fund-raising in 1996.

In addition to the probe of Clinton, Reno is to decide by Nov. 24 whether an outside inquiry is necessary to determine if Gore made false statements to federal investigators last year. There is no allegation that Gore tried to hide potentially unlawful activity. Instead, this investigation focuses on the narrow question of whether Gore had more complete and accurate information about DNC bookkeeping practices than he acknowledged in an interview with Justice prosecutors and FBI agents.

By Nov. 30, Reno is scheduled to determine whether to seek an independent counsel to investigate allegations that Harold M. Ickes, a former deputy White House chief of staff, made false statements to a congressional committee that was asking him about Clinton administration efforts on behalf of the Teamsters Union in 1996.

Clinton is under scrutiny for the use of issue advertisements by the DNC during the 1996 campaign—ads largely financed by the party that promoted Clinton's views while not directly mentioning his reelection. Even as Reno has been conducting her investigation, the same kind of television advertisements implicitly backing other candidates filled the airwaves in advance of last Tuesday's election because Democrats and Republicans are convinced the practice is legal.

"Because this involves political speech, which clearly falls under the protection of the First Amendment, there is a relatively high threshold for determining what constitutes criminal behavior," said a senior Justice Department official. "There are not a lot of mysteries surrounding how the DNC ads were produced and financed, but whether anything crossed that threshold is another matter."

Clinton's defenders argue that the law in this area is murky and that every reasonable effort was made to ensure that the 1996 reelection effort did not overstep the law.

"We've told the Justice Department that we perceived this as a gray area of the law in 1996, and that it is a still a gray area, but that nonetheless we applied the law as best we could," said Joseph E. Sandler, the DNC's general counsel, who was recently interviewed by federal investigators on the Clinton case.

Sandler noted, for example, that he and other attorneys reviewed every ad before it was broadcast and successfully argued for modifications whenever they objected to the content. Justice officials acknowledged that proving such actions by DNC lawyers could make it difficult to allege that there was any knowing or willful intent to break the law.

Prosecutors' Approach to Huang Signals Shift in Campaign Probe

By Roberto Suro
Washington Post Staff Writer

For nearly two years, campaign finance investigators have viewed John Huang, a friend of President Clinton's and a top money man in the 1996 campaign, as a key to discovering whether misconduct extended to the top ranks of the Democratic Party or even to the Oval Office.

Now, instead of pressuring Huang to say what he knows about White House officials in exchange for immunity from prosecution, federal prosecutors are bargaining to get his testimony against Maria Hsia, a California fund-raiser already under indictment who played a minor though controversial role in 1996, according to lawyers close to the case.

Granting Huang immunity for information about a subordinate rather than a superior would mark a major reversal for the Justice Department, which has frequently promised that the campaign finance investigation would proceed from low-level figures to those who allegedly masterminded illegal fund-raising schemes.

The change in course on Huang comes as Attorney General Janet Reno is conducting three separate preliminary investigations to determine whether an independent counsel should look into campaign-related allegations against Clinton, Vice President Gore and former deputy White House chief of staff Harold M. Ickes. Those investigations are due to be completed by early December.

So far, the Justice Department's two-year-old campaign finance task force has resulted in charges against 12 persons, most of them relatively low-level fund-raisers or contributors such as Hsia.

Last month, the task force suffered a major setback when U.S. District Judge Paul L. Friedman tossed out five of the six charges against Hsia, a ruling that could undermine the legal theory used not only in her case but also in several of the other prosecutions. Friedman found that prosecutors had used "highly technical and inventive reasoning" to charge Hsia with causing the submission of false statements to the Federal Election Commission about the true identity of campaign donors.

The ruling potentially has major significance because it will make it more difficult to use criminal statutes in cases that involve election law violations which are usually treated as civil matters," said GOP election lawyer Jan Baran. Senior Justice Department officials said an appeal of the ruling is likely.

Friedman's ruling let stand a single charge that Hsia, an immigration consultant and longtime Democratic Party activist, conspired to disguise illegal contributions from a Taiwan-based Buddhist organization following a controversial 1996 campaign event at a California temple. The event was part of Huang's fund-raising drive in the Asian American community and was attended by Gore.

Prosecutors first sought Huang's cooperation in the Hsia case before Friedman's ruling, but were unable to reach an agreement with his attorney, Ty Cobb, according to lawyers familiar with the talks.

Huang's status in the overall Justice investigation remains unclear, and he could still face indictment. But the lawyers said there have been no discussions with prosecutors that would lead to his testimony against senior Democratic Party or White House officials. And since Friedman's ruling, they said, prosecutors have come back again to seek Huang's testimony regarding Hsia as part of a proposed deal that would remove the possibility that he would face any future charges—either through a plea agreement or an outright grant of immunity.

Huang first befriended Clinton in the early 1980s when his longtime employer, the Indonesia-based Lippo Group conglomerate, made major investments in Arkansas. After some successful fund-raising for Democrats in California, Huang was named a deputy assistant secretary of commerce in 1994. When the presidential reelection campaign got underway, Huang moved to the Democratic National Committee as vice chairman for finance, where his efforts to raise money from affluent Asian Americans succeeded beyond expectations.

Following the 1996 election, however, the DNC returned $1.6 million raised by Huang because it came from foreign nationals, who are ineligible to make campaign contributions, or because the origin of the money was cloudy. Since then, Huang has been at the center of allegations ranging from the relatively minor claim that the DNC failed to adequately screen donations to the still-unsubstantiated charges that the government of China attempted to influence the 1996 election by directing money to the Clinton campaign.

Because his fund-raising brought him into contact with top officials in the campaign and the White House, including Clinton, some Justice Department investigators and many Republican critics of Clinton's campaign finance methods long argued that Huang could implicate top Democrats in its alleged scheme to knowingly collect illegal foreign donations.

But after a year-long, $3 million investigation of fund-raising in the 1996 presidential campaign, Republicans on the Senate Governmental Affairs Committee concluded that "what emerges from the Committee's investigation is a picture of Huang both complex and vexing, which raises as many questions as it answers."

And a senior Justice Department official said that some investigators have concluded that Huang does not have information that would support the prosecution of the Democratic officials who received and spent the funds he raised or the White House officials who promoted his career in Washington.

As a result, attention has turned to the possibility that Huang might be able to bolster the endangered case against Hsia.

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BERNARD SANDERS, VERMONT
INDEPENDENT

October 2, 1998

ATTACHMENT
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The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Dear General Reno:

I am writing with regard to a report in the *Washington Post* today suggesting that the Justice Department is considering granting full immunity to John Huang, a longtime friend of the President and major DNC fundraiser.

While you continue to protest the Committee on Government Reform and Oversight's request for the Freeh and La Bella memoranda, your staff has repeatedly leaked material from these memoranda, as well as other task force information and records. Much of the improperly leaked information is protected by grand jury secrecy rules according to your own analysis of the rules, and some of it provides a road map to the course of your ongoing campaign finance investigations. This, of course, is not new information.

Today, however, the latest disturbing episode involving your campaign task force has come to our attention. In an article titled "Prosecutors' Approach to Huang Signals Shift in Probe," the *Washington Post* provides an extensive discussion of John Huang's role in the Department of Justice campaign finance task force investigation (article attached). The idea that John Huang, a central figure in the millions of dollars in illegal foreign money which flowed into the DNC, would be granted immunity at this point for a case involving a lesser figure strikes me as absurd. While I understand this report may very well be inaccurate, I would note that to proceed in such a manner would be tantamount to giving Al Capone immunity to testify against his tax preparer.

Regardless of the veracity of the report, the very troubling aspect of this article is the fact that a "senior Justice Department official" is cited as essentially dismissing the case against John Huang. At a time that you are arguing that you cannot give this Committee information that would provide a road map to the investigation -- a misplaced argument because we have never sought such information -- you appear content to stand by while the Washington Post points out that "a senior Justice Department official said that some investigators have concluded that Huang does not have information that would support the prosecution of the Democratic officials who received and spent the funds he raised or the White House officials who promoted his career in Washington." This statement is a microcosm of all that is wrong with your decision to supervise the campaign finance investigation.

Let me point out some of the easily identifiable problems:

- This statement by "a senior Justice Department official" inappropriately diminishes Huang's relevance and importance to the overall investigation.

- This statement and article sends a message to Huang's defense attorneys that might embolden them to hold out in the event that deals were being discussed. The underlying information is confidential and goes to the heart of how the case against Huang will proceed. And yet we read about such confidential prosecutorial matters in the *Washington Post.*

- This report indicates that there are in fact *conclusions*. Has the Task Force *finished* its investigation? Your new Task Force head David Vicenanzo has barely got his feet wet in this investigation and your staff is announcing "that some investigators have concluded" various things about John Huang. Did Mr. Vicenanzo approve this statement? Did he have an opportunity to review this statement?

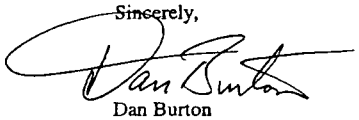
- Your staff have been asking this Committee for months to refrain from using specific information that is relevant to the case against Huang. The Department also has refused to support any committee requests for immunity in connection with low level witnesses with information about John Huang. Yet, now your "senior Justice Department official" is sending a message with the Department of Justice's imprimatur that there isn't much to the Huang case. It almost appears that you are preventing Congress from telling the American people what we have learned under the guise of not interfering with your prosecution, while your own employees go out and undermine the prosecution.

The conclusion is simple. If you had obeyed the law and appointed an Independent Counsel to investigate campaign finance matters -- as Director Freeh and Campaign Financing Task Force head Charles La Bella had recommended and said that you were legally required to do -- you would not have "a senior Justice Department official" undermining your own prosecution. This episode brings to mind the situation in the early days of your investigation

when the FBI refused to give sensitive information about campaign finance issues to your staff at the Department of Justice because the FBI felt that it could not trust your staff. This was appalling. To make matters worse, you did not even recognize a conflict of interest. It is even more troubling that you have allowed the political appointees at the Department to continue their involvement in this investigation.

The message sent by your "senior Justice Department official" is inexcusable. Unless you can find this person and fire him or her immediately, you have no alternative but to remove yourself and your staff from any involvement with the campaign finance investigation. It is beyond clear that you are hopelessly conflicted in this matter -- something the FBI Director and your own hand-picked prosecutor have been telling you for months.

Sincerely,



Dan Burton
Chairman

cc: David Vicenanzo

Prosecutors' Approach to Huang Signals Shift in Campaign Probe

By Roberto Suro
Washington Post Staff Writer

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Granting Huang immunity for information about a subordinate rather than a superior would mark a major reversal for the Justice Department, which has frequently promised that the campaign finance investigation would proceed from low-level figures to those who allegedly masterminded illegal fund-raising schemes.

The change in course on Huang comes as Attorney General Janet Reno is conducting three separate preliminary investigations to determine whether an independent counsel should look into campaign-related allegations against Clinton, Vice President Gore and former deputy White House chief of staff Harold M. Ickes. Those investigations are due to be completed by early December.

So far, the Justice Department's two-year-old campaign finance task force has resulted in charges against 12 persons, most of them relatively low-level fund-raisers or contributors such as Hsia.

Last month, the task force suffered a major setback when U.S. District Judge Paul L. Friedman tossed out five of the six charges against Hsia, a ruling that could undermine the legal theory used [illegible] in her case but also in several of the other prosecutions. Friedman found that prosecutors had used "highly technical and inventive reasoning" to charge Hsia with causing the submission of false statements to the Federal Election Commission about the true identity of campaign donors.

"The ruling potentially has major significance because it will make it more difficult to use criminal statutes in cases that involve election law violations which are usually treated as civil matters," said GOP election lawyer Jan Baran, Senior Justice Department officials said an appeal of the ruling is likely.

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As a result, attention has turned to the possibility that Huang might be able to bolster the endangered case against Hsia.

LAT

Report to Reno Urges New Probe of Democratic Fund-Raising

■ Politics: Prosecutor who led investigation urges independent counsel after inquiry. Attorney general will seek advice before deciding, she says.

By RONALD J. OSTROW
TIMES STAFF WRITER

WASHINGTON—In the coming weeks, Atty. Gen. Janet Reno and her top advisors will be weighing a strong new recommendation from the former head of the illegal donations inquiry that she turn over the controversial probe to an independent counsel.

In a report summarizing his analysis of the law and facts he gathered as lead prosecutor in the investigation, Charles G. LaBella has greatly intensified political pressure on Reno to change her position and recommend appointment of an outside prosecutor to explore evidence against high-level government officials and Democratic Party fund-raisers.

Added to an earlier recommendation by FBI Director Louis J. Freeh that the Justice Department step aside, LaBella's report shows that two of the attorney general's most trusted investigators on the matter agree with Republican critics that the time is overdue for an outside prosecutor to take over the politically charged case.

The recommendation by LaBella, now acting U.S. attorney in San Diego, prompted a request for him, Freeh and James V. Desarno Jr., the FBI's chief political fund-raising investigator, to testify Thursday before the House Government Reform and Oversight Committee.

Confirming that she was reviewing LaBella's report, which was submitted July 16, Reno said: "I review all new information or conclusions or anything that is relevant to the issue of whether an independent counsel should be appointed and the statute triggered. . . . When I determine that it is triggered, I will trigger it."

At the same time, Reno made clear at her weekly briefing for reporters that she also would consult other department officials, who have counseled against appointing an independent prosecutor in the past.

"There are a range of lawyers within the department who have had long experience with the Independent Counsel Act," Reno said. "What we do is hear from everybody, not just one lawyer, but everybody. And we make sure that we try to consider all arguments and reach the best decision."

Government sources, even those speaking anonymously, declined to provide specifics on LaBella's report, which runs more than 100 pages. But one source who had read the report said it represents "a fresh approach to everything he [LaBella] has seen" and called for legal conclusions and steps that had not been advanced earlier.

Although the report does not recommend the investigation of specific individuals, it does analyze the activities of top government officials and their knowledge of possible wrongdoing, including President Clinton, Vice President Al Gore and others involved in Clinton's 1996 campaign.

LaBella's report contends that the mandatory provisions of the Independent Counsel Act, which deal with administration officials covered [illegible]he law, and its discretionary provisi[illegible]ich allow Reno to go outside her department to avoid a conflict of interest in investigating the administration she serves, call for an outside prosecutor in this case.

Reno brought in LaBella, a San Diego federal prosecutor with a reputation for hard-charging initiative, in October to revitalize the investigation.

The Justice Department's campaign fund-raising task force has brought charges against 11 people, most of them Democratic fund-raisers, for allegedly channeling illegal foreign contributions and other questionable funds into Clinton's reelection effort.

LaBella's report, one source said, reflects the frustration he encountered in arguing against veteran officials of the department's public integrity section—including its chief, Lee Radek, and Robert Litt, formerly in the Justice Department's criminal division and now a principal in the deputy attorney general's office.

The dispute over seeking an independent counsel, according to sources supporting LaBella's view, mirrors the traditional strains between Washington managers and often more aggressive field prosecutors. LaBella contended that Reno was given "bad advice" by those who advocated a more restrained, cautious approach in applying the independent counsel provisions.

Sen. Orrin G. Hatch (R-Utah), who long has pushed Reno to turn over the investigation to an independent counsel, said he did not believe Reno could ignore LaBella's recommendation. The chairman of the Senate Judiciary Committee, Hatch emphasized Freeh's own call for such action.

Freeh's recommendation went to Reno in a memorandum in November, but it regained attention last week when Sen. Fred Thompson (R-Tenn.) quoted its conclusion, based on an oral summary the FBI director had given him, at a Senate hearing. "It is difficult to imagine a more compelling situation for appointing an independent counsel," Freeh said, according to Thompson.

Times staff writer [illegible]rc Lacey contributed to this story.



San Diego Union-Tribune

Atty. Gen. Janet Reno brought in Charles G. LaBella, above, a San Diego federal prosecutor with a reputation for hard-charging initiative, in October to revitalize the investigation.

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ATTACHMENT
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Independent Probe Of '96 Funds Urged

Reno Noncommittal on Campaign Report

By ROBERTO SURO 7-24-98
and MICHAEL GRUNWALD
Washington Post Staff Writers

Attorney General Janet Reno is reviewing a new recommendation by her top campaign finance prosecutor that she seek an independent counsel but appears no closer to supporting such an outside probe than when the idea was first suggested 21 months ago, Justice Department officials said yesterday.

The prosecutor, Charles G. LaBella, delivered the report to Reno Friday as he prepared to end a 10-month stint as head of the Justice Department's campaign finance task force. After analyzing evidence collected by the task force but never made public, the report concludes that there are sufficient indications of wrongdoing by the 1996 Clinton-Gore reelection effort to merit an independent counsel, said officials familiar with the document.

Republican leaders in Congress immediately seized on news of LaBella's report to step up their long-standing demands for an independent counsel. But Reno continued to insist that she will only do what she thinks is right regardless of how many others, even within the Justice Department, urge her to do otherwise.

"If one person out of a hundred has the right answer, that's what I should do," she said. "I don't do things based on majority vote. I do things based on evidence and the law."

But Sen. Fred D. Thompson (R-Tenn.), who led the Senate's campaign finance investigation, said he suspected LaBella's report will not sway her. "I think she made this decision long ago, and nothing is going to change her mind," he said.

Rep. Dan Burton (R-Ind.), chairman of the Government Reform and Oversight Committee, immediately announced plans to hold a hearing next Thursday on the issue. LaBella, FBI Director Louis J. Freeh and James Desarno, the top FBI agent on the task force, have been called to testify. Reno was not invited.

"It is becoming more and more apparent that she is trying to protect the president rather than do her job as a law enforcement official," Burton said. "I think you're going to see people start calling for her replacement very soon. She's stretching the limits of the patience of the Congress of the United States."

LaBella's report marks at least the third time that a senior Justice Department official has advised Reno to seek an independent counsel in the campaign finance investigation. Last November, when a preliminary inquiry was underway into allegations that President Clinton and Vice President Gore had made illegal fund-raising phone calls from the White House, LaBella and Freeh urged her to seek an outside counsel, but Reno rejected the advice.

Officials familiar with Freeh's memo last winter and LaBella's current report said that LaBella's includes a much more extensive review of the evidence and makes a firmer conclusion that there are sufficient indications of wrongdoing by top officials to oblige Reno to seek an outside prosecutor. As with the Freeh memo, the basic argument is that top Democratic and White House officials conducted a systematic and deliberate effort to circumvent campaign finance laws setting limits on fund-raising and defining what constitutes a legal contribution.

LaBella's report does not dramatically break new ground either in the evidence it presents or in the legal arguments it marshals, but it does present a lengthy and detailed account of facts pointing to questionable Democratic fund-raising activities, according to officials familiar with the document.

Given his stature as a highly regarded and independent career prosecutor hand-picked by Reno to lead the campaign finance probe, LaBella has succeeded in reviving a controversy that has dogged the attorney general since the closing days of the 1996 campaign and that shows no signs of dissipating.

LaBella does not allege specific crimes against individual officials but rather points to a variety of circumstances that he believes require further investigation, officials said. He concludes that such an inquiry should be conducted by an outside prosecutor in order to fulfill the intent of the independent counsel law, a post-Wa-

See RENO, A22, Col. 1

Report Urges Independent Counsel

RENO, *From A21*

tergate reform designed to prevent an attorney general from investigating top officials of the same administration.

Reno yesterday repeatedly characterized LaBella's report as just one perspective on the independent counsel question and emphasized that she would consider opposing views as well before making a decision. In the past, those views have prevailed every time arguments similar to LaBella's have been presented to Reno. Lee J. Radek, the longtime head of the public integrity section in the Justice Department's Criminal Division, has been one of the most influential opponents to the appointment of an independent counsel among Reno's advisers, officials said.

LaBella, then the No. 2 federal prosecutor in San Diego, was appointed chief of the task force last September when the investigation was mired in internal disagreements and logistical problems. He effectively replaced Radek and made a point of distancing himself from the public integrity section and of reporting directly to Reno.

"There are a range of lawyers within the department who have had long experience with the Independent Counsel Act," Reno said yesterday. "And what we do is hear from everybody, not just one lawyer, but everybody. And we make sure that we try to consider all arguments, and reach the best decision based on the history of the act, the legislative history and other factors."

No special mechanism will be created to consider the report, department officials said. Instead, it will be handled as part of the usual process of overseeing the campaign finance investigation. One key question to be decided is whether Reno will deliver a specific response to LaBella's recommendations or whether it will be left an open matter, they said.

The apparent lack of urgency contrasts with several other occasions when Reno has responded within a few days, even within hours, after receiving recommendations that she launch the independent counsel process.

Republicans can complain if Reno ultimately rejects LaBella's advice, but there is not much they can do to change her decision. Sen. Arlen Specter (R-Pa.) wants the Senate Judiciary Committee to seek a writ of mandamus, a court ruling that would compel a government official like Reno to perform duties mandated by law. He says Reno has clearly shirked her duty to seek an independent counsel after receiving specific and credible evidence of wrongdoing by the president.

ATTACHMENT
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Campaign Probe Looked at Ickes, Says LaBella

Evidence of Wrongdoing At White House Cited By Departing Official

83

By Brian Duffy
Staff Reporter of The Wall Street Journal

WASHINGTON—The departing head of the Justice Department's campaign fund-raising investigation has told Janet Reno that he developed evidence of wrongdoing by senior officials of the White House and the Democratic National Committee.

Charles LaBella's findings, presented in a lengthy memorandum to Ms. Reno, focus sharply on the fund-raising efforts of Harold Ickes, the former deputy White House chief of staff. They form the basis of Mr. LaBella's recommendation that Ms. Reno seek the appointment of an independent counsel.

"It's not exactly that we presented her with a smoking gun," a senior government official said. "But we showed her significant threads of evidence that went right into the White House and to the upper levels of the DNC."

Mr. Ickes, who couldn't immediately be reached for comment, has consistently denied any improper fund-raising activity. The White House declined to comment.

Mr. LaBella has obtained the cooperation of one Democratic fund-raiser, Johnny Chung, who has provided evidence that top DNC officials knowingly solicited and accepted improper donations from him. Mr. LaBella's prosecutors are negotiating with others who have provided information about senior White House officials' roles in fund-raising efforts in 1995 and 1996.

> Attorney General Reno has refused to seek an outside counsel, though a senior adviser says she is considering means that would allow her to do so.

Mr. LaBella is to testify about his findings before a House panel tomorrow, along with Louis Freeh, director of the Federal Bureau of Investigation. In a separate memorandum prepared for Ms. Reno last year, Mr. Freeh also argued for appointment of an independent counsel, noting that since prosecutors had subpoenaed telephone records of President Clinton and Vice President Gore, they already had begun an investigation of the two top officials covered by the special-prosecutor law.

Ms. Reno has refused to seek an outside counsel, though a senior adviser says she is considering means that would allow her to do so.

Interviews with senior government officials present a picture at sharp variance with the image of the inquiry that Ms. Reno has sought to portray. The attorney general appointed Mr. LaBella to the fund-raising task force after complaints by the FBI and senior Justice Department officials that it had stalled.

Since then, Ms. Reno has repeatedly told her Republican critics that she based her decision not to seek an independent counsel on the advice of career Justice Department attorneys. But Mr. LaBella, her top attorney and a career federal prosecutor, was frequently excluded from meetings concerning the appointment with Ms. Reno and other Justice Department executives, several officials said.

A senior Justice Department official, speaking on behalf of Attorney General Reno, challenged that characterization but said he couldn't rule out that Ms. Reno had discussed the fund-raising inquiry outside of Mr. LaBella's presence.

Ms. Reno relied heavily on advice from attorneys assigned to the criminal division's public-integrity section who specialize in election-law violations and the independent counsel law. But those lawyers often refused to talk with Mr. LaBella and senior FBI agents assigned to the inquiry, and the relationship between the two sides was tense. Memos prepared by the public-integrity lawyers for Ms. Reno sometimes didn't mention important evidence, prompting Mr. LaBella to prepare his own reports detailing all information developed by the Justice task force.

Complicating matters further was the role of Deputy Attorney General Eric Holder. Mr. Holder played an important role in Mr. LaBella's installation as head the task force in September 1997 and is widely credited with revitalizing the probe. Senior officials said Mr. Holder privately told Mr. Freeh and other top FBI officials last year that he supported an independent counsel. But an official familiar with his thinking said the comment was made in an offhand way.

Mr. Holder believes the appointment would be helpful because controversy over the campaign-finance inquiry was hurting morale at the Justice Department. He had supported an independent counsel prior to and just after being named deputy attorney general.

Tomorrow's testimony by Messrs. Freeh and LaBella likely will increase pressure on Ms. Reno, but she has been unfazed by the prospect. Democrats have accused Rep. Dan Burton, chairman of the House committee investigating fund-raising activities, of improperly pressing Ms. Reno.

But GOP Sen. Orrin Hatch of Utah and Republican Rep. Henry Hyde of Illinois, the respective heads of the Senate and House judiciary committees, have demanded copies of Mr. LaBella's report. Mr. Hatch said yesterday that Ms. Reno's persistence in refusing to seek an outside prosecutor could eventually force her resignation.

ATTACHMENT
10

Democrat Fund-Raiser Said to Detail China Tie

NYT MAY 15 1998

This article is based on reporting by Jeff Gerth, David Johnston and Don Van Natta and was written by Mr. Gerth.

WASHINGTON, May 14 — A Democratic fund-raiser has told Federal investigators he funneled tens of thousands of dollars from a Chinese military officer to the Democrats during President Clinton's 1996 re-election campaign, according to lawyers and officials with knowledge of the Justice Department's campaign finance inquiry.

The fund-raiser, Johnny Chung, told investigators that a large part of the nearly $100,000 he gave to Democratic causes in the summer of 1996 — including $80,000 to the Democratic National Committee — came from China's People's Liberation Army through a Chinese lieutenant colonel and aerospace executive whose father was Gen. Liu Huaqing, the officials and lawyers said.

General Liu was then not only China's top military commander but also a member of the leadership of the Communist Party.

Mr. Chung said the aerospace executive, Liu Chao-ying, told him the source of the money. At one fund-raiser to which Mr. Chung gained admission for her, she was photographed with President Clinton.

A special adviser to the White House counsel, Jim Kennedy, said today, "We had no knowledge about the source of Mr. Chung's money or the background of his guest. In hindsight it was clearly not appropriate for Chung to bring her to see the President."

Mr. Chung's account, coupled with supporting documents like bank records, is the first direct evidence obtained by the Justice Department that elements of the Chinese Government made illegal contributions to the Democratic Party. Under American law, foreign governments are prohibited from contributing to political campaigns.

While the amount described is a tiny part of the $194 million that Democrats raised in 1996, investigators regard the identification of Ms. Liu as a breakthrough in their long search for confirmation of a "China Plan." The hunt was prompted after American intelligence intercepted telephone conversations suggesting that Beijing considered covertly influencing the American elections.

Senator Fred Thompson, Republican of Tennessee and chairman of the Senate committee investigating campaign finance, sought evidence of the plan, but Mr. Chung's account did not come until the committee issued its report this year. Tonight, the Federal Bureau of Investigation briefed Senate staff members about Mr. Chung's cooperation, according to officials.

Mr. Chung, a Southern California businessman, began cooperating with investigators after he pleaded guilty in March to campaign-related bank and tax fraud. He is the first defendant in the Justice Department inquiry to agree to cooperate.

It is not clear whether other Chinese officials or executives were involved in the purported payments by Ms. Liu, or what her motivation or the Chinese military's might have been. At the time, President Clinton was making it easier for American civilian communication satellites to be launched by Chinese rockets, a key issue for the Chinese army and for Ms. Liu's company, which sells missiles for the military and also has a troubled space subsidiary.

The President's decision was valuable to Ms. Liu because it enabled her company to do more business with American companies, but it had also been sought by American aerospace corpora-

Continued on Page A20

Fund-Raiser Is Said to Tell of Donations From China Military to Democrats

Continued From Page A1

tions, including Loral Space and Communications and the Hughes Electronics Corporation, a subsidiary of the General Motors Corporation, seeking to do more business in China. It is not known, however, whether anyone in the Democratic Party or the Clinton Administration had reason to suspect the source of the contributions from Mr. Chang.

A lawyer for Mr. Chang, Brian A. Sun, declined to comment on his client's conversations with investigators, citing his client's sealed plea agreement with the Justice Department. "I'm shocked that sources at the Justice Department would attribute anything like that to my client."

Mr. Chang has denied being an agent of the Chinese Government. "Nor did Mr. Chang ever try to lobby the American Government on any type of issue involving technology or anything else," Mr. Sun said.

A National Security Council spokesman, Eric Rubin, said, "It is ludicrous to suggest there was any influence on the determination of U.S. policy on this matter." He said he did not know whether any executives from Ms. Liu's company expressed an interest in the issue.

Ms. Liu did not return a message left with her office today.

Mr. Chang's revelations have opened an avenue of inquiry leading in a diplomatically sensitive direction: next month, Mr. Clinton goes to Beijing, where he hopes to announce increased space cooperation between China and the United States.

A representative of the Chinese Government denied that Beijing was behind the purported contributions. "China has always abided by the laws and regulations in this country," said Yu Shu-ning, a press counselor for the Chinese Embassy. "We have nothing to do whatsoever with political contributions in this country."

Mr. Chung, an American who was born in Taiwan, owned a floundering facsimile company in Torrance, Calif. He became involved with the Democratic Party in early 1996 through Asian-American contacts at the White House and was known for trying to use his connections in Washington with Chinese Government officials and executives.

Despite being labeled a "hustler" by one Presidential aide in 1996, Mr. Chung managed to visit the White House at least 49 times. He and his company contributed $366,000 to the Democratic National Committee — most of it before he met Ms. Liu. The full amount was later returned after questions were raised about Democratic fund-raising.

A Democratic National Committee spokesman, Richard W. Hess, said, "We did not know and had no way of knowing the source of his funds."

Mr. Chung met Ms. Liu in June 1996 in Hong Kong. She was not only a lieutenant colonel in the military, but a senior manager and vice president in charge of international trading for China Aerospace International Holdings Ltd., according to the company's 1998 annual report.

The company is the Hong Kong arm of China Aerospace Corporation, a state-owned jewel in China's military industrial complex with interests in satellite technology, missile sales and rocket launches.

Ms. Liu's father, General Liu, was China's senior military officer, and as vice chairman of the powerful Central Military Commission was in charge of China's drive to modernize the People's Liberation Army by selling weapons to other countries and using the hard currency to acquire Western technology. In that role, he oversaw his country's missile deals.



Associated Press



Reuters

Johnny Chung, right, has reportedly said that he funneled money from the daughter of Gen. Liu Huaqing of China, left, to Democrats.

In addition, General Liu was a member of the Standing Committee of the Politburo of the Communist Party, the very top circle of political leadership in China. He retired from his official positions last fall at the time of the Party's 15th Congress.

China Aerospace sells satellites, launches them and owns a large part of a Hong Kong satellite operator, but the financial viability of many of these ventures depends on American satellites. In 1996 President Clinton made it easier for American satellites to be launched by Chinese rockets. The decision was announced in March but due to delays did not take effect until election day.

As Ms. Liu began her relationship with Mr. Chung, her company and her father were trying to fix China's troubled rocket program. That spring, China Aerospace had brought in outside experts, including officials from Hughes and Loral to help analyze why a launch the previous February had failed. The Pentagon later concluded that the outside review harmed American national security by advancing China's rocket and missile capabilities. Both companies denied wrongdoing.

In 1981 and 1983 the United States barred all American companies from doing business with two China Aerospace units that had made illegal missile sales to Pakistan. In each instance, Ms. Liu was assistant to the president of the sanctioned company.

Writing about who in China may have benefited from the 1991 missile deal, former Secretary of State James A. Baker 3d, in his memoirs, said, "In all probability, several senior government and party officials or their families stood to gain from the performance of those contracts."

The missile deals were part of General Liu's strategy of selling Chinese weapons to other countries to raise money to acquire Western technology.

"Liu was a proponent of P.L.A. modernization who was very much interested in obtaining Western technology," said retired Rear Adm. Eric A. McVadon, the American defense attache in Beijing in the early 1990's. He said Mr. Liu constantly rebuffed American concerns about China's weaponry sales.

Those concerns were front and center in 1996, when General Liu was still in charge of the P.L.A. They included China's sale of missiles to Iran and of nuclear equipment to Pakistan, as well as its own bellicose military maneuvers near Taiwan.

Ms. Liu, Mr. McVadon recalled, was a "gladhander" who "brokered deals." In 1996 she was granted a visa to visit the United States as a representative of a China Aerospace subsidiary.

At the first meeting between Mr. Chung and Ms. Liu in June 1996, Mr. Chung is said to have told investigators, Ms. Liu told him she was interested to again visiting the United States. Soon learning that Mr. Chung could arrange meetings with the President, she expressed an interest in meeting Mr. Clinton.

Mr. Chung helped Ms. Liu obtain a visa on July 11, 1996, according to a law-enforcement official. Five days later, he wrote the Democratic National Committee that he wanted to bring Ms. Liu and a Chinese medical executive to a July 23 fund-raising dinner to be held at the Brentwood, Calif., home of the financier Eli Broad.

Both of his guests' names were placed on the guest list after Mr. Chung wrote a check for $40,000 to the Democratic National Committee on July 19. A week later, Mr. Chung set up a California corporation for Ms. Liu and himself, records show.

Ms. Liu arrived in Los Angeles on July 21, and the next day Mr. Chung accompanied her to two fund-raising events with Mr. Clinton, according to a law-enforcement official. The first was his early morning $1,000-per-plate gala at the Beverly Hilton.

Later that night, Mr. Chung and Ms. Liu attended a $25,000-per-couple dinner at Mr. Broad's home, that raised more than $1.8 million for the Democrats. The President was photographed with Ms. Liu, a routine courtesy at such events.

Mr. Sun, Mr. Chung's lawyer, said, "I don't think she was any different from any of his business contacts in they thought Johnny was influential and someone they would like to know as they furthered their business dealings in the United States."

The previous year, photos from another Chung visit with Mr. Clinton had caused a problem. The President had expressed concerns about some of Mr. Chung's Chinese business clients — unrelated to Ms. Liu — whom the fund-raiser brought to a March 1996 radio address by Mr. Clinton.

Mr. Clinton's director of Oval Office operations, Nancy Hernreich, in testimony taken by Senate investigators, said Mr. Clinton told her later the visit shouldn't have happened. She took that to mean that Mr. Clinton thought Mr. Chung's clients were "inappropriate foreign people."

ATTACHMENT
11

Chung Ties China Money To DNC

Documents Support Story, Officials Say

By Roberto Suro
and Bob Woodward
Washington Post Staff Writers

Democratic fund-raiser Johnny Chung has told Justice Department investigators that a Chinese military officer who is an executive with a state-owned aerospace company gave him $300,000 to donate to the Democrats' 1996 campaign, according to federal officials who said that financial records back up key aspects of his account.

Chung's allegations, first reported in the New York Times yesterday, are being treated by the Justice Department as a major development in its 18-month investigation of whether the Chinese government attempted to influence the 1996 election with illegal campaign contributions, the officials said. For the first time, investigators have what appears to be a direct money trail from the Chinese government to Democratic campaign coffers, but the officials emphasized that numerous questions about Chung's activities remain unanswered.

Once described as a "hustler" by an official at the National Security Council, Chung visited the White House 49 times between 1994 and 1996 and attended numerous Democratic fund-raising events, sometimes accompanying Chinese business executives who were photographed with President Clinton or first lady Hillary Rodham Clinton. He donated $366,000 to the Democratic National Committee for the 1996 election, all of which has since been returned.

In March, Chung reached a plea bargain with federal prosecutors in which he admitted to making illegal campaign contributions and began cooperating with investigators. The officials said he subsequently claimed he received the $300,000 for Democratic campaigns in the summer of 1996 from Liu Chao-Ying, an officer in China's People's Liberation Army and executive with China Aerospace, Beijing's state-run rocket manufacturing company. It is unclear, how-

See CHUNG, A6, Col. 1

Fund-Raiser Tells Probers Chinese Donated Money to DNC

CHUNG, *From A1*

ever, how much of that money actually went toward campaign contributions. Sources note that the alleged payments from Liu to Chung appear to have come after he had made many of his donations to the DNC.

The Justice Department investigation has no evidence suggesting that any officials either at the White House or the DNC were aware of the source of Chung's money or that Chung ever explicitly attempted to influence any administration policy decisions, investigators said.

"We had no knowledge about the source of Mr. Chung's funds or the background of Liu Chao-Ying," White House spokesman Jim Kennedy said yesterday. He said he was not aware of any [redacted] between Chung and anyone in the White House regarding it.

[redacted]tion records show that [redacted]ng made contributions totaling $100,000 to the DNC and $14,000 to other Democratic committees between June and September of 1996. On July 21, 1996, Liu and Chung attended a Los Angeles fund-raiser where Liu was photographed with Clinton, as is common practice with guests at such events.

Liu and Chung set up a business, Maxwell Investment Inc. in Torrance, Calif., together on Aug. 9, 1996, and according to sources familiar with their dealings, it was at that time that substantial amounts of money were transferred from Liu to Chung. Only $47,000 of Chung's campaign donations were made after they set up their company, according to election records.

Liu is the daughter of a powerful, now-retired general in the Chinese army, Liu Huaqing, and exercised considerable influence herself as an executive of the state-owned company that sells and launches rockets and satellites.

Chung's revelations have added new fuel to the Justice Department inquiry into the alleged plan by China to influence U.S. elections and revived demands by Republican leaders for an independent counsel investigation of the campaign finance scandal.

On Capitol Hill, Sen. Fred D. Thompson (R-Tenn.), who denounced alleged Chinese involvement in the U.S. election but was unable to bring out direct evidence of it during hearings last year by his Senate Governmental Affairs Committee, claimed vindication in the news of Chung's charges.

"The new information shows that the 'China Plan' the committee investigated last year was carried out in some form," said Thompson, who along with other senior legislators was briefed by the FBI on Chung's allegations this week.

"This really is a very big matter. The need for an independent counsel to investigate the campaign finance scandal has been clear for some time, and this puts the icing on the cake," said Sen. Arlen Specter (R-Pa.), who is a member of the Senate Judiciary Committee.

Since 1996 federal law enforcement and intelligence agencies have been investigating intercepted communications and other indications that Chinese government officials conceived a plan to spend at least $2 million to influence U.S. elections, allegedly by channeling the money through foreign corporations into political campaigns.

When Thompson earlier this year issued a report on his committee's investigation, Chung was not cited among the Democratic fund-raisers who were suspected of acting as conduits for Chinese government money, and officials familiar with Chung's account note that he did not make the allegations involving Liu in his initial plea deal with the Justice Department two months ago.

As they have analyzed Chung's account in recent days, Justice Department officials have urgently queried the CIA and the National Security Agency to comb their records for any information regarding Chung that might have been overlooked.

Officials familiar with the evidence in Chung's case said that neither Chung nor Liu had been major figures in the "China plan" investigation, but that the information Chung is now providing tended to corroborate certain evidence already gathered in the probe.

Chung's attorney, Brian Sun, had no comment yesterday regarding Chung's communications with the Justice Department.

FOR MORE INFORMATION

To read profiles of Chung and other key players in the fund-raising probe, click on the above symbol on the front page of The Post's Web site at www.washingtonpost.com

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Chinese Embassy Role in Fund-Raising Probed

By Bob Woodward and Brian Duffy
Washington Post Staff Writers
Thursday, February 13, 1997; Page A01

A Justice Department investigation into improper political fund-raising activities has uncovered evidence that representatives of the People's Republic of China sought to direct contributions from foreign sources to the Democratic National Committee before the 1996 presidential campaign, officials familiar with the inquiry said.

Sensitive intelligence information shows that the Chinese Embassy on Connecticut Avenue NW here was used for planning contributions to the DNC, the sources said. Some information was obtained through electronic eavesdropping conducted by federal agencies.

The information gives the Justice Department inquiry what is known as a foreign counterintelligence component, elevating the seriousness of the fund-raising controversy, according to some officials.

The sources declined to provide details about the scope of the evidence relating to the alleged efforts by the Chinese representatives. They also declined to specify what foreign contributions might have been involved, but they said the new evidence now being scrutinized in the inquiry is serious.

A Chinese Embassy spokesman denied yesterday that his government had anything to do with improper efforts to influence the administration. "We have done nothing of that sort," the spokesman said.

White House press secretary Michael McCurry said yesterday that "to the best of my knowledge, no one here had any knowledge of" the allegations concerning the Chinese. He said the White House would have no further comment.

The evidence relating to the Chinese government led Justice Department lawyers and FBI executives to increase the number of FBI special agents working on a special investigative task force from a handful to 25, including several specialists in foreign counterintelligence investigations, sources said. Laura Ingersoll, a Justice Department attorney assigned a leading role on the fund-raising task force, has security clearances to investigate a variety of sensitive intelligence matters, officials said.

The new dimension to the fund-raising investigation could result in Attorney General Janet Reno eventually recommending that the matter be turned over to an independent counsel, according to one well-placed source. Reno so far has declined requests for an independent counsel, saying that the Justice Department task force can conduct a full and independent inquiry and that there is no specific and credible allegation of wrongdoing against any of the senior executive branch officials covered by the Independent Counsel Act. Such a finding would have to be made by the Justice Department task force before Reno could recommend appointment of an independent counsel.

Washington and Beijing have been at odds over human rights and trade issues, but the

Clinton White House has been seeking recently to improve relations. Secretary of State Madeleine K. Albright is traveling to Beijing later this month, and President Clinton announced in his State of the Union message that he also would visit. He has extended an invitation to Chinese President Jiang Zemin to come to Washington.

The Chinese effort to win influence with the Clinton administration can be traced to 1993, one source said. During the Reagan and Bush administrations, the Chinese government felt comfortable dealing with Washington. During the 1992 presidential campaign, authorities in Beijing spoke openly about wanting Bush to win reelection because he was an "old friend" of China. Clinton had criticized the Bush administration during the campaign for "coddling" Beijing and giving China most-favored-nation trade status after the 1989 crackdown in Tiananmen Square.

After Clinton defeated Bush, Chinese officials were uncertain about how to deal with the new administration, officials said, even though as president, Clinton essentially adopted the Bush policy toward Beijing. The Chinese Foreign Ministry has long urged the leadership in Beijing to increase its lobbying efforts in Washington, arguing that China has lagged behind Taiwan and Israel in trying to influence U.S. policy.

Some investigators suspected a Chinese connection to the current fund-raising scandal because several DNC contributors and major fund-raisers had ties to Beijing. Last February, Charles Yah Lin Trie, a fund-raiser for the Democratic National Committee, used his influence with party officials to bring Wang Jun, head of a weapons trading company owned by the Chinese military, to a White House coffee with Clinton.

Wang also heads a prominent, state-owned investment conglomerate. Clinton has since said he should not have met with Wang, and $640,000 in checks that Trie delivered to president's legal defense fund has been returned because of questions about the source of the funds.

Another reason investigators suspected a Chinese connection was the role of John Huang, a former Commerce Department official and DNC fund-raiser now at the center of the campaign controversy. An American citizen born in China and raised in Taiwan, Huang has said he now has no friends or relatives in China. But Huang is a former executive of the Lippo Group, a highly profitable Indonesian conglomerate owned by the Riady family, who are ethnic Chinese. Lippo has extensive interests in China, including approval to build a power plant in Fujian Province, Huang's place of birth.

In 1993, Lippo sold 50 percent of its holdings in one of its banks, Hong Kong Chinese Bank -- where Huang was a vice president in the mid-1980s -- to a corporation run by the Chinese government.

Huang was not the only Lippo executive to get a job with the Clinton administration. In December 1994, U.S. Trade Representative Mickey Kantor named Lippo's president of securities, Charles De Quejoe, to the Investment and Services Advisory Committee. Huang had sought jobs at the State Department and the National Security Council staff for De Queljoe, a big Democratic giver, in an early 1993 letter to the White House.

Last month, Rep. Gerald B.H. Solomon (R-N.Y.), chairman of the House Rules Committee, asked FBI Director Louis J. Freeh to investigate Huang and the Lippo Group, with an eye to "potential economic espionage against the United States by a foreign corporation having direct ties to the People's Republic of China."

Solomon said then that he was concerned about Huang's access to intelligence information and dozens of calls Huang made from Commerce to the Lippo Group. He also asked Freeh to investigate apparent discrepancies in the birth date listed on Huang's visa application forms and his government employment forms.

Huang was employed at Lippo for nine years before he joined the Commerce Department as deputy assistant secretary for international economic policy. His severance package from Lippo totaled $788,750.

Huang was given a top-secret clearance at Commerce after what Republicans have called a lax background investigation. Despite Huang's extensive ties to Lippo, the background investigation was limited to his activities in the United States because he had lived here for more than five years. Commerce officials now say they wish a foreign background check had been done, even though it was not required.

In preparation for his job at Commerce, Huang received an interim security clearance while he was still working at Lippo. But Commerce Department officials said that did not entitle him to see any classified information, and they maintain he saw none. Because of a bureaucratic error, the officials said, Huang retained his top-secret clearance after he left the Commerce Department to become a DNC vice chairman in December 1995.

During his 18 months at Commerce, Huang was scheduled to attend 37 intelligence briefings, including briefings on China, and saw more than two dozen intelligence reports.

From his Commerce Department office, Huang made more than 70 phone calls to a Lippo-controlled bank in Los Angeles. The calls are now being scrutinized by the Justice Department task force.

Huang's message slips from the Commerce Department also show a call from one Chinese Embassy official in February 1995 and three calls from the embassy's commercial minister in June and August of that year.

According to Huang's Commerce Department desk calendar entries, obtained by The Washington Post, he had three meetings scheduled with Chinese government officials. He was slated to go on a U.S. government-sponsored trip to China in June 1995 that was canceled. He attended a policy breakfast at the Chinese Embassy in October 1995 and a dinner there the same month, his calendar shows.

One of the many unexplained records from Huang's files shows an unusual travel pattern in the fall of 1995. His expense account records show he left his Commerce Department office to visit the Indonesian Embassy on Massachusetts Avenue NW on Oct. 11, claiming a $5 reimbursement for taxicab fare. The expense records indicate Huang did not return to his office at Commerce until the following day -- when he took another $5 cab ride, not from the Indonesian Embassy but, according to his records, from the "residence of the Chinese ambassador."

Staff writers Susan Schmidt, Sharon LaFraniere and Lena H. Sun, special correspondent Anne Farris and research assistant Jeff Glasser contributed to this report.

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FBI Had Overlooked Key Files In Probe of Chinese Influence

By Bob Woodward
Washington Post Staff Writer

The FBI has acknowledged overlooking key intelligence information gathered as far back as 1991 that investigators believe shows further Chinese government efforts to buy political influence in the United States, senior U.S. government sources said yesterday.

Attorney General Janet Reno learned of the new evidence on the night of Nov. 5. A senior Justice Department official said Reno was "livid" at the FBI foul-up and two days later apologized to Sen. Fred D. Thompson (R-Tenn.) for failing to disclose information that was germane to Senate hearings into campaign fund-raising abuses. Thompson had suspended his committee's hearings Oct. 31.

FBI Director Louis J. Freeh, who also apologized to Thompson, has replaced the senior FBI official overseeing the bureau's investigation into suspected Chinese influence buying, officials said.

The newly discovered intelligence, much of it culled from electronic surveillance conducted by the FBI and other U.S. agencies over the past six years, includes evidence of the magnitude and means by which Beijing hoped to influence U.S. elections, several officials said. The evidence also shows links between the Chinese government and several U.S. citizens, including a Democratic fund-raiser in Los Angeles whom several officials characterize as an "agent" for the Chinese. Officials would not provide details of the highly classified intelligence.

These developments come only two months after Reno, vowing "to make sure that no stone is left unturned," ordered a major Justice Department shake-up and replaced the head of a department task force looking into campaign finance violations. The continuing series of Justice missteps demonstrates "remarkable incompetence," one senior government official said, and is likely to increase Republican pressure on Reno to seek the appointment of

■ *Attorney general extends probe of Interior Secretary Babbitt.* *Page A22*

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BI-Acknowledges Overlooking Key Intelligence Files in Probe of Chinese Influence

FBI, From A1

dependent counsel to run the
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and other intelligence sources.
ntice officials said internal prob-
of miscommunication and ex-
ive compartmentalizing have be-
come so serious that Reno has directed her inspector general to determine why critical information in FBI counterintelligence files failed to reach the task force or Senate committee. Reno also placed Deputy Attorney General Eric H. Holder Jr. in charge of supervising the task force with instructions to determine whether additional undisclosed intelligence information remains in FBI files.

The belatedly discovered files indicate that Maria Hsia—a Taiwanese American immigrant who for a decade has raised money for Democratic causes—was "doing the bidding" of Beijing as a Chinese agent, a senior official said.

Hsia became significantly involved in Democratic Party fund-raising in 1988 with James Riady, a wealthy Indonesian businessman who once lived in California and whose Lippo Group has been at the center of inquiries over the past year into campaign finance irregularities. Hsia, 46, set up an Asian American fund-raising group called the Pacific Leadership Council with Riady and John Huang, later a Democratic National Committee fund-raiser. The two largest recipients of PLC money in the 1990 election cycle were then-Sens. Albert Gore Jr. (D-Tenn.) and Paul Simon (D-Ill.).

In a 1988 interview with the National Journal, Hsia explained her political activism: "The Jews have a very strong voice, and they talk about Israel. I feel like the Asian community doesn't have a voice."

Hsia worked closely with Huang and was co-chair with him of an April 1996 luncheon attended by Vice President Gore at the Hsi Lai Buddhist temple in California. The event raised about $140,000 for the DNC, but investigators subsequently concluded that much of the money was donated through straw donors used to disguise the origin of the money.

Nancy Luque, Hsia's attorney in Washington, said yesterday, "It is absolutely not true and even ludicrous to suggest she is or was an agent of the Chinese government in any way, shape or form."

Since news reports early this year first disclosed a Justice Department investigation into suspected Chinese influence buying, officials in Beijing have repeatedly denied—both publicly and in private talks with U.S. officials—any effort to funnel campaign contributions into American political races. Federal law prohibits donations from foreign sources.

President Clinton last weekend said Chinese President Jiang Zemin "emphatically denied to me personally that their government had tried to do anything to influence the outcome of this election."

The Hsia evidence came to light only after Freeh canvassed all FBI field offices in September and ordered a "meticulous review of all file holdings in the FBI's possession that bear on attempts by the PRC [People's Republic of China] to influence U.S. political elections." Last night, the FBI issued a statement saying that FBI counterintelligence files are "voluminous," consisting of "raw, uncorroborated intelligence that requires significant analysis before the information is appropriate for dissemination."

Freeh's order turned up other previously undisclosed leads from FBI files, including reports considered reliable but unconfirmed that Huang, while serving as a senior Commerce Department official in the Clinton administration, passed a classified document to the Chinese government. Huang has previously denied any improper links to the Chinese government or other foreign capitals, and officials said the FBI has been unable to find a copy of the document or even confirm its existence.

Freeh's directive also produced intelligence that the Chinese government planned to use joint business ventures with U.S. companies and others to raise money that could be funneled into U.S. political campaigns. Other newly uncovered reports also suggest that the Chinese government planned to spend more than the previously reported $3 million to influence U.S. political campaigns, according to U.S. officials.

Fragmentary intelligence also indicated that the Chinese wanted to funnel money directly to the Clinton-Gore campaign, which legally could receive only contributions from U.S. citizens of $1,000 or less, officials said.

Officials this week were quick to point out that the new discoveries will not necessarily lead to criminal charges. Nor have investigators established whether Chinese money was actually funneled to specific political campaigns.

The most likely immediate fallout from the discoveries appears to be further erosion of Justice Department and FBI credibility.

Although Reno has repeatedly pledged over the past year that the campaign finance investigation would be comprehensive and aggressive, the probe has been marked by embarrassing fits and starts. On Sept. 3, for example, Reno began a preliminary investigation of Gore's telephone solicitations for campaign money, but only after learning from a newspaper that federally regulated money had been raised in the calls.

On Sept. 16, she replaced the task force chief after the FBI failed to report intelligence it had in its files for two years in the Senate committee. That intelligence said that Los Angeles businessman Ted Sioeng was a suspected agent of the Chinese government, a charge that Sioeng has denied through a lawyer.

Last night, White House counsel Charles F.C. Ruff said he was unaware of any new discoveries in FBI files or of Reno's apology to Thompson. "The story is news to me on every front," Ruff said.

In an interview last night, Thompson said he had accepted the apologies from Reno and Freeh. He said his committee would retain jurisdiction on the Chinese connection and continue investigating vigorously. But he declined to say whether public hearings will resume.

Upon opening his Senate Governmental Affairs Committee hearings in July, Thompson publicly charged that China had planned to buy influence in U.S. elections, although he noted that the information came from sensitive intelligence which might never be revealed.

Subsequently, Democratic members of the committee acknowledged that sensitive intelligence showed a Chinese plan in 1995 and 1996 to buy influence in U.S. congressional races through campaign contributions.

After Thompson announced two weeks ago that he was suspending his public hearings, officials said, the FBI obtained intelligence showing that the Ministry of State Security in Beijing—the Chinese equivalent of the CIA—boasted it had been successful in "thwarting" the congressional inquiry.

Staff writer Jeff Leeds and [illegible] contributed to

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ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM
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WASHINGTON, DC 20515–6143

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BERNARD SANDERS, VERMONT,
INDEPENDENT

March 5, 1999

Attorney General Janet Reno
United States Department of Justice
Tenth Street & Constitution Avenue N.W.
Washington, D.C. 20530

Re: Request for Documents

Dear General Reno:

Pursuant to its authority under Rule X and XI of the House of Representatives, the Committee on Government Reform hereby requests certain records.

Definitions and Instructions

1. For the purposes of this request, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this request, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This request calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

5. No records, documents, data or information called for by this request shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any requested record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

8. This request is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3½ inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Requested Items

Please produce the following items to the Committee:

1. All correspondence between Roger Wheeler of the Federal Bureau of Investigation and Philip Manuel in 1993;

2. All correspondence between U.S. Attorney Eric Holder and Rebekah Poston in 1993;

3. All correspondence between U.S. Attorney Kendall B. Coffey and Rebekah Poston in 1993;

4. All correspondence between Tom Cash of the Drug Enforcement Administration and Rebekah Poston in 1993;

5. All correspondence between Charles A. Intriago and the Office of the Attorney General, the Deputy Attorney General, or the Associate Attorney General during 1993;

6. All records from the Office of the Attorney General, the Deputy Attorney General, or the Associate Attorney General, relating to Charles A. Intriago, Orlando Castro Llanes, or Orlando Castro Castro for the years 1993-1995; and

7. All records, other than information covered by Rule 6(e) of the Federal Rules of Criminal Procedure, from 1991-1995, relating to an investigation in the Eastern District of New York of Banco Progreso, Orlando Castro Llanes, and/or Charles A. Intriago.

Please produce the requested documents by the close of business on January 4, 1999. If you have any questions about this request, please contact the Committee's Chief Investigative Counsel, James C. Wilson, or Deputy Counsel, David A. Kass, at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman, Ranking Minority Member

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BERNARD SANDERS, VERMONT,
INDEPENDENT

March 5, 1999

The Honorable Janet Reno
Attorney General
Department of Justice
10th Street and Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Re: Justice Department Response to November 30, 1998 Document Request

Dear General Reno:

This letter is to follow up on a number of matters relating to the production of documents made by the Justice Department in response to my letter request of November 30, 1998. I have listed below a number of questions that the Committee has regarding the documents produced by the Department.

In a number of cases, I have requested that the Justice Department remove the redactions that were made to the documents. I hope that these changes can be made without endangering the identities of informants, or divulging other important law enforcement information. If your staff believes that any of the listed requests would call for this type of information, please let my staff know, so that we can reach a mutually acceptable arrangement. I hope that your staff can address these questions in a timely manner, so that the Committee's important oversight in this area can proceed.

In addition, I have addressed this request only to you, even though it applies to documents produced by the Justice Department, the Federal Bureau of Investigation, and the Drug Enforcement Administration. I have addressed this request to you alone, because the Justice Department responded on behalf of all three of those agencies in response to my letter requests dated November 30, 1998.

1. Documents 0049-0051: These three pages make reference to case file I9-90-Z002. Please characterize the involvement of Orlando Castro Llanes in this case.

2. Documents 0069-0075: These pages consist of a heavily redacted teletype regarding the Recarey case. Does this teletype contain the names of Carlos Freeman, Thor Halvorssen, or Orlando Castro? If so, please unredact those portions of the teletype containing those names.

3. Document 0090: This document contains the statement "ALLEGATIONS OF RECAREY BEING LOCATED IN VENEZUELA AS WELL AS THE ALLEGED CORRUPTION USED TO PROTECT HIM IS INFORMATION RECEIVED FROM [redacted]. Was this information received from Carlos Freeman, Thor Halvorssen or Orlando Castro Llanes?

4. Document 0132: This document contains the following statement: "Miami receives Venezuelan newspaper article about RECAREY's involvement with other Venezuelan citizens in an attempt to fraudulently purchase a major stock interest in the bank of Venezuela." If available, please provide a copy of the referenced newspaper article. In addition, please inform the Committee whether any investigative action was taken with respect to this allegation.

5. Document 0261: This document is page one of two of a DEA report from file GFAN-88-8001. Please characterize the involvement of Orlando Castro Llanes in the investigation referenced in the report.

6. Document 0262-0273: These pages consist of assorted pages from three DEA reports of investigation from File GFZB-90-8001. Was the information in these reports provided to the DEA by another U.S. Government agency? If so, please identify the agency. In addition, please provide the name and position of the author of the three reports.

7. Document 0274: This is one page from a two-page DEA report from File G4-96-0018. Please characterize the role of Orlando Castro Llanes in this investigation.

8. Document 0284: This document is an excerpt from a DEA report containing a reference to a NADDIS record for Carum [sic] Capital Corp. Please provide a date for the referenced NADDIS record. In addition, this document states that "NOTE: Howard GLICKEN may be associated with the [redacted]." Please remove the redaction.

9. Document 0311: This excerpt from a DEA report contains the statement that "[redacted] advised [redacted] that previously GLICKEN had sent campaign contributions [redacted] but due to an ongoing investigation, [redacted] had to refuse the contributions." Please identify the individual who refused the Glicken contributions.

10. Document 0323: This excerpt from a DEA report contains the following statement: "3. The individuals who allegedly have put out this contract on [redacted] are [redacted] and Thor HALBORSEN [sic]. [Redacted.] Investigation continues." Please

identify the source of the quoted information. In addition, please identify the author of this DEA report.

11. Document 0348: This excerpt from a DEA report contains the following statement: "Also listed in [redacted] is Rafael ALCANTARA, for account 04823450 at Bankers Trust Co, NY. This account was to receive trafficker funds at the direction of CASTRO in 1989. ALCANTARA is currently the name on an account at another bank, used [redacted] the direction [redacted] "office." (See paragraph 15 of this report.) Please provide the entire memo in unredacted form (except for the identity of informants). If you are unable to provide the memo in unredacted form, please explain why, and at a minimum, provide further clarification regarding the identity of the "CASTRO" referenced in the report. In addition, identify the DEA field office which prepared the report.

12. Document 0475: This is a SWIFT banking document for Progreso bank. Please provide this document in unredacted form.

13. Document 0484: This document is illegible. Please provide a clearer copy of the document, if possible.

14. Documents 0501-0502: This is a letter from Rafael Alcantara to the DEA. Please provide this letter to the Committee in unredacted form.

15. Documents 0573-0574: Please identify the author of this document.

16. Document 0623: This excerpt from a 39 page DEA report contains a reference to Orlando Castro. Please characterize the role of Castro in the investigation referenced in the report. In addition, identify the DEA field office that prepared this report.

17. Document 0755: Please identify the DEA field office that prepared this report. In addition, please inform the Committee whether the investigation referenced in the report is still ongoing.

18. Document 0760: This document is a letter from the DEA Miami field office to an unidentified individual. Please provide the date that the letter was sent, and characterize the role of Howard Glicken in the matter referenced in the letter.

Please provide the requested information by March 12, 1999. If you have any questions about this request, please contact the Committee's Chief Investigative Counsel, James C. Wilson, at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman, Ranking Minority Member

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 12, 1999

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

Dear Chairman Burton:

Recently, I met with your staff on two occasions to provide information you requested from the Department and to develop a cooperative relationship for the exchange of information between the Committee and the Department as we begin the new Congress. During those meetings, we agreed to provide additional information and to continue to meet with your staff to be as responsive as possible to your requests.

First, I want to advise you that the Attorney General referred the information that appeared in the *The New York Times* on February 10, 1999 to the Office of Inspector General immediately after the article appeared.

As I mentioned during our last meeting with your staff, the Campaign Financing Task Force continues to be active. Several cases are scheduled for trial and other matters are under investigation. As is common, the investigative staff level has been adjusted to meet the needs of this major investigation. There are almost 90 attorneys, FBI Special Agents, auditors, and support staff working on the investigation and prosecutions.

At one of our meetings with your staff in January, we discussed the Committee's document requests to the Department and its FBI and DEA components and clarified the scope and focus of the Committee's concerns. On February 11, 1999, a Department official personally delivered to the Committee staff more than 830 pages of documents responsive to its letters. These are the documents to which you referred in your letter dated the same day. In that letter of February 11, you also repeated a request you had made in January to interview a supervisor of Richard Gregorie, an Assistant United States Attorney in the Southern District of Florida. Through our arrangements, your Committee staff has now interviewed William A. Keefer, who was the United States Attorney in the Southern District at the time of the occurances in which you are interested.

In response to your letter of January 26, 1999 concerning efforts by the Department of Justice to obtain information about certain travelers checks issued by, or purchased at, the Bank of Central Asia in Jakarta, Indonesia, I can tell you that the Department has made both informal and formal efforts to obtain these documents. I discussed the informal efforts being made by the Federal Bureau of Investigation in my letter to you of January 4. In addition, at the Justice Department's request, the State Department in August of 1998 submitted a formal request to the government of Indonesia for the documents. To date, we have not received a response. At this time, we do not have additional information that we may provide you regarding matters related to the travelers checks or our efforts to obtain financial information from the governments of Indonesia or the PRC. I will contact your staff to arrange a meeting at such time as we may provide you the information you are seeking.

I cannot provide you any information regarding your assertion that the FBI interviewed Antonio Pan in Jakarta. As you know, we have a longstanding policy against discussing investigative actions in pending criminal cases. We can inform you that Mr. Pan has been indicted and is represented by counsel, factors that would affect any contacts between the FBI and Mr. Pan.

In response to your letter inquiring about letters sent by Andrew Fois and Lee Radek concerning the Independent Counsel Act, Mr. Fois correctly stated that the Independent Counsel Act covers the chairman and treasurer of a presidential campaign committee, while Mr. Radek correctly concluded that the individuals who did not hold these positions or who were not officers of the campaign committee "exercis[ing] authority at the national level" were not "covered persons" under the Act. Furthermore, regardless of any personal beliefs that they may hold, all attorneys in the Department recognize their professional responsibility to enforce the law, including the Independent Counsel Act. Mr. Radek has consistently and fairly applied the Act during his tenure as Chief of the Public Integrity Section. I can also report to you, in response to correspondence from you, that former Deputy Chief of Staff Kent Markus played no role in the decisionmaking in the campaign finance investigation.

Finally, other Department representatives and I have discussed with your staff over the past several months the importance of balancing Congress' oversight needs and the Department's law enforcement responsibilities. During those conversations, we have advised your staff that despite extensive review, including careful examination of all the matters you and your staff have cited, we have not been able to establish that the Department has ever provided Congress with prosecutorial decisionmaking memoranda during the investigative stage of an open criminal matter. My understanding is that when the Department stated in December 1997 that the Committee's subpoena was unprecedented, we had reviewed the precedents cited in your letter and the accompanying Congressional Research Service memorandum, and concluded that none represented a comparable demand. In response to your more recent inquiries, we have continued our research and have identified one possibly comparable Congressional demand. See 8 Op. O.L.C. 252 (1984)(subpoena for investigative files). The Department's research indicates, however, that in that instance the Department did not provide Congress with access to internal

documents relating to an open criminal investigation, and that neither the Department nor the Committee had previously identified this Congressional demand. We have also learned that Department witnesses discussed some ongoing cases and provided related materials during the 1924 investigation of former Attorney General Harry Daugherty, but we have not identified any comparable prosecutorial decisionmaking document that the Department provided to Congress while those matters were in the investigative stage.

We look forward to continuing to work with you and your staff on these matters and any future requests. Please do not hesitate to contact me if I can be of further assistance.

Sincerely,

Dennis Burke

Dennis K. Burke
Acting Assistant Attorney General

cc: The Honorable Henry A. Waxman
Ranking Minority Member

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BERNARD SANDERS, VERMONT,
INDEPENDENT

March 16, 1999

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Dear General Reno:

On January 26, 1999, for the second time, I wrote you regarding evidence of illegal campaign contributions funded with travelers checks issued by and purchased at the Bank Central Asia, Jakarta, Indonesia. According to your staff, the Department shares the Committee' s suspicion that the travelers checks may very well be connected in some manner, directly or indirectly, to James Riady, a close friend of the President. In that letter, I reiterated my frustration over the lack of cooperation from the Chinese and Indonesian governments as well as the Clinton Administration in pursuing these records. I also requested the opportunity to meet with you to discuss the Committee' s concerns.

Acting Assistant Attorney General Dennis Burke' s March 12 response to my January 26 letter did little to satisfy my concerns in this area. Mr. Burke indicated that his January 4 letter to me " discussed the informal efforts being made by the Federal Bureau of Investigation" to obtain documents relating to the travelers checks. As I made clear in my January 26 letter to you, Mr. Burke' s January 4 letter was unsatisfactory and consisted of merely two substantive sentences:

> As you know, the Department is working with the Federal Bureau of Investigation Legat in the region to obtain the records. Despite repeated requests by the Legat, the documents have not yet been provided.

These two sentences took over four months to draft, and no additional information was provided. I am confident that further elaboration is possible.

Also, according to Mr. Burke' s March 12 letter:

> [A]t the Justice Department' s request, the State Department in August of 1998 submitted a formal request to the government of Indonesia for the documents. To date, we have not received a response. At this time, we do not have additional information that we may provide you regarding matters related to the travelers checks or our efforts to obtain financial information from the governments of Indonesia or the PRC.

Therefore, to clarify: The State Department submitted a formal request for documents relating to the travelers checks seven months ago. Neither the State Department nor the Justice Department has received a response. And after seven months of non-cooperation from the Indonesian government, you have no additional information to provide the Committee regarding the pursuit, failed though it may be, of these documents. The Indonesian government' s reluctance to produce the requested documents is not surprising. However, it stretches credulity to suggest that you have vigorously pursued these documents for seven months and have nothing more than blanket responses to share with the Committee.

Notwithstanding the March 12 letter, I would like to discuss the degree to which you have pursued foreign bank records from the Chinese and Indonesian governments. It appears that when it comes to pressing these governments for this information, the Clinton Administration has always had higher priorities. You will recall that when the President was in China last summer, he discussed the issue of illegal campaign fundraising with President Jiang. President Clinton stated described his dialogue with President Jiang:

> [T]he question that was raised that was most troubling was whether people at high levels in the government of China had either sanctioned or participated in the channeling of funds in violation of American law . . . . [President Jiang] said they looked into that, and he was, obviously, certain, and I do believe him that he had not ordered or authorized or approved such a thing, and that he could find no evidence that anybody in governmental authority had done that.

Given the recent news reports regarding Chinese espionage connected with our nuclear technology, simple acceptance of Jiang Zemin' s denials is clearly misplaced. As the Washington Post asked: " Was the American response due to a wish for a pre-electoral burial of charges that official Chinese had sent funds to the Clinton campaign in 1996?"

For your review, I have enclosed my previous letters to you dated September 23, 1998, and January 26, 1999, and two letters from Acting Assistant Attorney General Dennis K. Burke to me dated January 4, 1999, and March 12, 1999, respectively. Please contact my Chief Counsel Barbara Comstock to arrange a meeting at your earliest convenience. I will separately address the other matters discussed in your March 12 letter at a later time. Thank you for your attention to this matter, and I await your response.

Sincerely,

Dan Burton
Chairman

Enclosures

cc: Samuel R. Berger
Assistant to the President for National Security Affairs

The Honorable Henry A. Waxman
Ranking Minority Member

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ONE HUNDRED FIFTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

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MINORITY (202) 225–5051
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BERNARD SANDERS, VERMONT
INDEPENDENT

September 23, 1998

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Dear General Reno:

Over the course of this Committee's investigation into campaign finance irregularities, voluminous conduit contributions from numerous sources have been uncovered. As you know, some of those conduit contributions were funded with money given to contributors in the form of Visa travelers checks purchased at the Bank Central Asia in Jakarta, Indonesia.

On July 29, 1998, at the direction of Mr. Andi Hairawan of the Bank Central Asia Jakarta and Christopher M. Curran, Esq., Bank Central Asia's legal counsel, I sent a letter to the Chairman of Police of the Republic of Indonesia requesting assistance in obtaining the approval of the Indonesian Authorities for the release of certain information in Bank Central Asia's possession. We have received no response.

In a letter dated July 30, 1998, Deputy Assistant Attorney General Mark Richard wrote to inform me that, "Certain facts surrounding the travelers checks are under active investigation and are crucial to our determination whether additional crimes are charged." In subsequent conversations with Committee staff Mr. Richard indicated that the Justice Department was close to receiving information regarding the travelers checks because they were now in the hands of the Indonesian government.

Five weeks have passed and the Committee has heard nothing from the Department of Justice or the Indonesian government. I ask that you share with the Committee any response you received from the Indonesian government and all information you have relating to these bank records. As you know, this information is important in determining the source of foreign funds funneled into the DNC during the 1996 Presidential election cycle.

Thank you for your attention to this matter, and I await your response.

Sincerely,

Dan Burton
Chairman

Attachments

cc: The Honorable Henry A. Waxman
Ranking Minority Member

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BERNARD SANDERS, VERMONT
INDEPENDENT

January 26, 1999

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Dear General Reno:

In June of last year, this Committee uncovered evidence of illegal conduit contributions funded with Visa travelers checks issued by and purchased at the Bank Central Asia in Jakarta, Indonesia. Since that time, the Committee has taken a number of steps in an attempt to determine the circumstances surrounding the purchase and distribution of the checks. Our efforts thus far have been stymied by the lack of foreign cooperation, and it appears that the Clinton Administration has been less than vigorous in pursuit of these records.

As I have detailed in my previous correspondence with you, on July 29, 1998, the Committee formally requested the cooperation of the Indonesian authorities in obtaining the release of certain information from Bank Central Asia. We have received no response, and based on the Committee's prior attempts to obtain information from foreign governments during the course of the campaign finance investigation, we expect there will not be one. While I am disappointed with Indonesian officials, I am not surprised.

However, from our own United States government, I expect more. The Department has informed the Committee, both formally through correspondence and informally through conversations with Committee staff, that the travelers checks are a key piece of evidence in the campaign finance investigation. On that point we agree. In fact, according to your staff, the Department shares Committee staff's suspicion that the travelers checks may very well be connected in some manner to James Riady, a close friend of the President.

But what has been done about this? In what approximates a form letter addressed to me, on January 4, 1999, Dennis K. Burke, Acting Assistant Attorney General indicated that "[t]he Department is working with the Federal Bureau of Investigation Legat in the region to obtain the records. Despite repeated requests by the Legat, the documents have not yet been provided." Mr. Burke's letter was in response to my September 23, 1998

request that "you share with the Committee any response you received from the Indonesian government and all information you have relating to these bank records." It is incredible to think that the Department took over three months to pen this non-responsive response of January 4th. Furthermore, the Department has not provided the Committee with even one shred of information regarding the efforts of the Justice Department or the State Department regarding the travelers checks or the pursuit of information relating to those checks. This is particularly troubling in light of information recently received by the Committee that the FBI interviewed Antonio Pan in Jakarta regarding the travelers checks. Pan is an associate of Yah Lin "Charlie" Trie and James Riady, and has been conclusively tied to the distribution of the travelers checks and illegal conduit contributions associated therewith.

I am confident that the Department has additional information to provide the Committee regarding the travelers checks. It is clear that there should be more of an effort by the Clinton Administration to obtain these records. I would welcome an opportunity to meet with you regarding your efforts and review all relevant materials. I would also like to discuss the degree to which you have pursued and the Chinese government has provided financial information of import to the campaign finance investigation. Please contact my Chief Counsel Barbara Comstock to arrange a meeting at your earliest convenience.

Thank you for your attention to this matter, and I await your response.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman
Ranking Minority Member

U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

JAN 4 1999

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

Dear Mr. Chairman:

This is in response to your letter of September 23, 1998, concerning the travelers checks issued from the Bank of Central Asia. I apologize for the delay in our response.

As you know, the Department is working with the Federal Bureau of Investigation Legat in the region to obtain the records. Despite repeated requests by the Legat, the documents have not yet been provided.

Please do not hesitate to contact me if I may be of further assistance on this or any other matter.

Sincerely,

Dennis Burke

Dennis K. Burke
Acting Assistant Attorney General

cc: The Honorable Henry A. Waxman
Ranking Minority Member

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 12, 1999

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

Dear Chairman Burton:

Recently, I met with your staff on two occasions to provide information you requested from the Department and to develop a cooperative relationship for the exchange of information between the Committee and the Department as we begin the new Congress. During those meetings, we agreed to provide additional information and to continue to meet with your staff to be as responsive as possible to your requests.

First, I want to advise you that the Attorney General referred the information that appeared in the *The New York Times* on February 10, 1999 to the Office of Inspector General immediately after the article appeared.

As I mentioned during our last meeting with your staff, the Campaign Financing Task Force continues to be active. Several cases are scheduled for trial and other matters are under investigation. As is common, the investigative staff level has been adjusted to meet the needs of this major investigation. There are almost 90 attorneys, FBI Special Agents, auditors, and support staff working on the investigation and prosecutions.

At one of our meetings with your staff in January, we discussed the Committee's document requests to the Department and its FBI and DEA components and clarified the scope and focus of the Committee's concerns. On February 11, 1999, a Department official personally delivered to the Committee staff more than 830 pages of documents responsive to its letters. These are the documents to which you referred in your letter dated the same day. In that letter of February 11, you also repeated a request you had made in January to interview a supervisor of Richard Gregorie, an Assistant United States Attorney in the Southern District of Florida. Through our arrangements, your Committee staff has now interviewed William A. Keefer, who was the United States Attorney in the Southern District at the time of the occurances in which you are interested.

In response to your letter of January 26, 1999 concerning efforts by the Department of Justice to obtain information about certain travelers checks issued by, or purchased at, the Bank of Central Asia in Jakarta, Indonesia, I can tell you that the Department has made both informal and formal efforts to obtain these documents. I discussed the informal efforts being made by the Federal Bureau of Investigation in my letter to you of January 4. In addition, at the Justice Department's request, the State Department in August of 1998 submitted a formal request to the government of Indonesia for the documents. To date, we have not received a response. At this time, we do not have additional information that we may provide you regarding matters related to the travelers checks or our efforts to obtain financial information from the governments of Indonesia or the PRC. I will contact your staff to arrange a meeting at such time as we may provide you the information you are seeking.

I cannot provide you any information regarding your assertion that the FBI interviewed Antonio Pan in Jakarta. As you know, we have a longstanding policy against discussing investigative actions in pending criminal cases. We can inform you that Mr. Pan has been indicted and is represented by counsel, factors that would affect any contacts between the FBI and Mr. Pan.

In response to your letter inquiring about letters sent by Andrew Fois and Lee Radek concerning the Independent Counsel Act, Mr. Fois correctly stated that the Independent Counsel Act covers the chairman and treasurer of a presidential campaign committee, while Mr. Radek correctly concluded that the individuals who did not hold these positions or who were not officers of the campaign committee "exercis[ing] authority at the national level" were not "covered persons" under the Act. Furthermore, regardless of any personal beliefs that they may hold, all attorneys in the Department recognize their professional responsibility to enforce the law, including the Independent Counsel Act. Mr. Radek has consistently and fairly applied the Act during his tenure as Chief of the Public Integrity Section. I can also report to you, in response to correspondence from you, that former Deputy Chief of Staff Kent Markus played no role in the decisionmaking in the campaign finance investigation.

Finally, other Department representatives and I have discussed with your staff over the past several months the importance of balancing Congress' oversight needs and the Department's law enforcement responsibilities. During those conversations, we have advised your staff that despite extensive review, including careful examination of all the matters you and your staff have cited, we have not been able to establish that the Department has ever provided Congress with prosecutorial decisionmaking memoranda during the investigative stage of an open criminal matter. My understanding is that when the Department stated in December 1997 that the Committee's subpoena was unprecedented, we had reviewed the precedents cited in your letter and the accompanying Congressional Research Service memorandum, and concluded that none represented a comparable demand. In response to your more recent inquiries, we have continued our research and have identified one possibly comparable Congressional demand. See 8 Op. O.L.C. 252 (1984)(subpoena for investigative files). The Department's research indicates, however, that in that instance the Department did not provide Congress with access to internal

documents relating to an open criminal investigation, and that neither the Department nor the Committee had previously identified this Congressional demand. We have also learned that Department witnesses discussed some ongoing cases and provided related materials during the 1924 investigation of former Attorney General Harry Daugherty, but we have not identified any comparable prosecutorial decisionmaking document that the Department provided to Congress while those matters were in the investigative stage.

We look forward to continuing to work with you and your staff on these matters and any future requests. Please do not hesitate to contact me if I can be of further assistance.

Sincerely,

Dennis Burke

Dennis K. Burke
Acting Assistant Attorney General

cc: The Honorable Henry A. Waxman
Ranking Minority Member

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BERNARD SANDERS, VERMONT,
INDEPENDENT

March 24, 1999

Attorney General Janet Reno
United States Department of Justice
Tenth Street & Constitution Avenue N.W.
Washington, D.C. 20530

Re: Request for Documents

Dear General Reno:

Pursuant to its authority under Rule X and XI of the House of Representatives, the Committee on Government Reform hereby requests certain records.

Definitions and Instructions

1. For the purposes of this request, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this request, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This request calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

5. No records, documents, data or information called for by this request shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any requested record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

8. This request is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3½ inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Requested Items

Please produce to the Committee all records relating to the investigation of political contributions made by Jorge Castro Barredo and Maria Sire Castro in September 1992, including efforts by Charles A. Intriago to facilitate such contributions.

To assist you with your search, relevant documents should exist in the offices of the Southern District of Florida, the Public Integrity Section, the Campaign Financing Task Force, and other main Justice Department offices in Washington, D.C. It is possible that relevant documents may be filed under the names of Jorge Castro Barredo, Maria Sire Castro, Orlando Castro Llanes, or Charles A. Intriago.

Please produce the requested items by the close of business on March 31, 1999. If you have any questions about this request, please contact the Committee's Chief Investigative Counsel, James C. Wilson, at (202) 225-5074.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: Honorable Henry Waxman, Ranking Minority Member

DAN [illegible]ON, INDIANA,
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BERNARD SANDERS, VERMONT,
INDEPENDENT

March 31, 1999

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Dear General Reno:

Pursuant to Rule X of the Rules of the House of Representatives, the Committee on Government Reform has been conducting an ongoing investigation into campaign finance abuses in recent elections including the transfers of large amounts of foreign money into our political system. In fulfilling our oversight responsibilities under House Rules, the Committee will convene a hearing to examine actions taken by the Clinton Administration to obtain foreign evidence and cooperation in this and other related matters. I am writing to request you to testify before the committee either April 13 or April 20, 1999 regarding the efforts by the Clinton Administration to obtain foreign evidence and the level of cooperation of foreign governments in the campaign finance investigation and related matters.

A principal focus of the hearing will be whether efforts to obtain evidence from or interview witnesses in China, Indonesia or other countries have taken a back seat to other foreign policy considerations and if so, why. Witnesses should expect to field questions about the level of cooperation from the Chinese government and other foreign governments as well as questions about the level of priority given to these efforts by the Clinton Administration.

As you know, the campaign finance investigation has traced millions of dollars in illegal foreign money that flowed into largely Democratic campaign coffers. The original source bank accounts for these funds are in Hong Kong, Macau and Indonesia, among other places. In order to learn who was ultimately involved in this transfer of money, it is essential to obtain these critical records. To date, no such records have been obtained. As you know, these actions, combined with 121 people who have asserted Fifth Amendment privileges or fled the country, have severely hampered the campaign finance investigation.

The hearing will take place either April 13 or April 20, 1999, 10:00 a.m., Room 2154, Rayburn House Office Building. It is requested that you provide 100 copies of your written testimony to the Committee no later than 48 hours prior to the time of the hearing. Also, to facilitate printing of the hearing record, please provide a computer disk containing your testimony. At the time of the hearing, we ask that you summarize your written testimony in ten minutes to allow maximum time for discussion and questions. Please be prepared to remain for the duration of the hearing in order to address issues that may arise. Under the Congressional Accountability Act, the House of Representatives must be in compliance with the Americans with Disabilities Act (ADA).

Persons requiring special accommodations should contact Carla Martin (202) 225-5074 at least four business days prior to the hearing.

Please contact Barbara Comstock, Chief Counsel at (202) 225-5074 to discuss the arrangements for this hearing and finalizing a date. We appreciate your willingness to appear and look forward to your testimony.

Sincerely,



Dan Burton
Chairman

DAN BURTON, INDIANA,
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BERNARD SANDERS, VERMONT,
INDEPENDENT

April 7, 1999

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Dear General Reno:

I am writing with regard to Sunday's *Los Angeles Times* article about Johnny Chung's testimony before the grand jury. As I am sure you are aware, the *Times* reported that Mr. Chung met three times with the chief of China's military intelligence agency, General Ji Shengde, who directed that $300,000 be wired to Chung's bank account to make political contributions to the President's campaign.

This is the third time in the last year that significant portions of Mr. Chung's testimony have been leaked to the press, apparently by sources at the Justice Department:

- On May 15, 1998, the *New York Times* reported that Mr. Chung told the Justice Department that he donated "tens of thousands of dollars" to the DNC that he received from China Aerospace executive and People's Liberation Army officer Liu Chao-Ying. The story was attributed to "lawyers and officials with knowledge of the Justice Department's campaign finance inquiry."

- On June 20, 1998, the *Washington Post* reported that Mr. Chung told the Justice Department that "top Democratic National Committee officials knowingly solicited and accepted improper donations from him." The article quotes "sources familiar with his (Chung's) account," and "an official close to the investigation."

- Sunday's *Los Angeles Times* article detailing the role of General Ji cites "sources familiar with Chung's sealed statements to federal prosecutors" and "law enforcement and other sources."

I believe that it is in the public interest for the facts about Chinese government efforts to subvert our elections to be brought to light. The American people have a right to know the truth. However, piecemeal leaks to the press are not the best means of accomplishing that goal. Therefore, I intend to call Mr. Chung as a witness before the Government Reform Committee, and I ask for your cooperation in making his testimony possible.

Mr. Chung reached a plea agreement and agreed to provide evidence to your Department in March 1998, just over one year ago. In that time, no indictments have been brought as a result of his cooperation.

Recent media reports have suggested that the Task Force's work has ground to a halt. For example, *Fox News*, on March 23, quoted "investigation sources" as saying that they have "all but written 'case closed' memos on a whole series of investigations," and that "with Attorney General Janet Reno's approval, the cases are technically being kept open to avoid political criticism for failing to win major convictions."

Fox News went on to report that some prosecutors sought to jump-start the investigation by immunizing Democratic fundraiser Charlie Trie in exchange for his testimony, but that their superiors would not allow it. If true, this incident is a glaring example of why an independent counsel is so badly needed in this investigation. This is a case study in why an investigation of the President, his senior advisors, and his fundraisers cannot be supervised by political appointees. The public will forever have doubts about whether the decision not to immunize Mr. Trie was made for sound prosecutorial reasons or to shield administration figures who might be implicated by his testimony.

Your decision not to seek an independent counsel has severely damaged the credibility of your investigation into illegal fundraising activities. Your decision flew in the face of the overwhelming consensus of the legal community and the press that an independent counsel was needed. In fact, it ran counter to the guidance of your most experienced advisors. FBI Director Louis Freeh, chief campaign finance prosecutor Charles LaBella, and the senior FBI agent on the Task Force, James Desarno, all called on you to seek an independent counsel, to no avail.

I believe that we must act to restore the confidence of the American people that their interests are being protected. It is imperative that we shine the light of day on the facts surrounding Chinese government involvement in funneling foreign money into our political system. This should not be done in a piecemeal fashion by unnamed sources with unknown motives. That is why I intend to call Johnny Chung to testify before the Committee. I ask for your cooperation in enabling him to do so. While the plea agreement reached between Mr. Chung and the Justice Department remains sealed, past agreements written by the Campaign Finance Task Force have called for the witness to give their full cooperation to all government agencies. Any effort to block Chung from testifying would hinder Congress' legitimate oversight interests and leave the American people in the dark. I urge you to take all relevant steps to make sure that Chung is able to testify.

Allegations of upper-echelon Chinese government efforts to subvert our political system are very serious. They deserve a full public airing. Our government and the government of China are currently engaged on a broad range of bilateral issues that affect our national security and economic well being:

- China is pressing for admission to the World Trade Organization, and Chinese Premier Zhu Rongji will discuss this issue with President Clinton on Thursday.

- Both the Chinese Government and Hughes Electronics Corporation are pressuring the Clinton Administration to reverse its rejection of a $450 million satellite sale to a consortium with ties to the Chinese military. This was the first time that a satellite sale to China has been blocked because of national security concerns.

Government officials engaged in these discussions need to have information on the full range of Chinese activities that are hostile to our interests in order to make good decisions. So do the American people.

I understand the importance of maintaining secrecy during a grand jury investigation. However, given the standstill that your investigation appears to have reached, I believe that the public's right to know takes precedence. Judging by the leaks that have been occurring, it appears that officials in your department have reached the same conclusion.

Please respond to my request by Wednesday, April 14, and let me know what steps you are willing to take to facilitate Johnny Chung's testimony.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman
Ranking Minority Member

All Members, Committee on Government Reform

Mr. Brian A. Sun
O'Neill, Lysaght & Sun LLP

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

April 19, 1999

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

Dear Mr. Chairman:

This is in response to your letter of March 5, 1999, requesting additional information about some of the material redacted from the more than 830 pages of documents we provided you in January in response to an earlier Committee request for documents. As you may know, we advised Committee staff before we provided the redacted documents that we would provide a limited amount of additional information if possible to help them understand the unredacted portions of the documents, if they had questions. Accordingly, we are providing the enclosed responses to those questions as set forth in the Committee's letter. Our public disclosure of this information would be prohibited by the Privacy Act, but we are providing it to the Committee in response to its oversight request. See 5 U.S.C. 552a(b)(9). We request that the Committee take appropriate steps to protect the privacy of the individuals mentioned in these materials and not disclose the information publicly without notifying the Department in advance.

We hope that this information is useful to you. Please do not hesitate to contact me if we may be of further assistance on this or any other matter.

Sincerely,

Dennis Burke

Dennis K. Burke
Acting Assistant Attorney General

Enclosures

cc: The Honorable Henry Waxman
Ranking Minority Member

QUESTION 1: Documents 0049-0051: These three pages make reference to case file I9-90-Z002. Please characterize the involvement of Orlando Castro Llanes in this case.

ANSWER 1: Document 0049 is a Case Closing DEA-6 for I9-90-Z002, dated January 10, 1994 which contains no information relating to Orlando Castro Llanes. The document numbered 0050- 0051 is a CONFIDENTIAL DEA Teletype #[redacted] (I9-90-Z002) from the Caracas Country Office in response to a request by the Cincinnati Resident Office. The Cincinnati Resident Office had requested subscriber information and criminal background checks for telephone numbers identified during an investigation it was conducting into a cocaine trafficking organization involving a person not named in the Committee's requests. This investigation led to an administrative subpoena being issued for a specified telephone number in Hialeah, Florida. The telephone company responded to the subpoena and provided subscriber and toll records for the requested telephone number. The toll records obtained from this telephone number provided several numbers which were being called in Venezuela. The Cincinnati Resident Office requested that the Caracas Country Office identify the subscriber for the telephone numbers identified in Venezuela. Telephone number [redacted] was identified as subscribed to by Orlando Castro in Venezuela. This investigation contains no further information relating to Orlando Castro. It should also be noted that this investigation was unable to determine the subscriber identified as Orlando Castro is the same subject as Orlando Castro Llanes.

QUESTION 2: Documents 0069-0075: These pages consist of a heavily redacted teletype regarding the Recarey case. Does this teletype contain the names of Carlos Freeman, Thor Halvorssen, or Orlando Castro? If so, please unredact those portions of the teletype containing those names.

ANSWER 2: The teletype does not contain the names of Carlos Freeman, Thor Halvorssen, or Orlando Castro.

QUESTION 3: Document 0090: This document contains the statement "ALLEGATIONS OF RECAREY BEING LOCATED IN VENEZUELA AS WELL AS THE ALLEGED CORRUPTION USED TO PROTECT HIM IS INFORMATION RECEIVED FROM" (redacted). Was this information received from Carlos Freeman, Thor Halvorssen or Orlando Castro Llanes?

ANSWER 3: No.

QUESTION 4: Document 0132: This document contains the following statement: "Miami receives Venezuelan newspaper article about RECAREY's involvement with other Venezuelan citizens in an attempt to fraudulently purchase a major stock interest in the bank of Venezuela." If available, please provide a copy of the referenced newspaper article. In addition, please inform the Committee whether any investigative action was taken with respect to this allegation.

67 356 1243

ANSWER 4: No investigative action was taken with respect to this allegation. A copy of the newspaper article, which is in Spanish, and an English translation are attached.

QUESTION 5: Document 0261: This document is page one of two of a DEA report from file GFAN-88-8001. Please characterize the involvement of Orlando Castro Llanes in the investigation referenced in the report.

ANSWER 5: This document is a report in which a Confidential Source (CS) was debriefed and provided general information regarding narcotics trafficking in Venezuela. The information provided by the CS is reported with the caption "The following is an alphabetical listing of individuals reported to DEA by the CS, who the CS believes are involved in or have dealings with narcotics or narcotics trafficking in Venezuela." This is the only mention of Orlando Castro in this investigation.

QUESTION 6: Document 0262-0273: These pages consist of assorted pages from three DEA reports of investigation from File GFZB-90-8001. Was the information in these reports provided to the DEA by another U.S. Government agency? If so, please identify the agency. In addition, please provide the name and position of the author of the three reports.

ANSWER 6: The first of these three DEA reports referenced above is identified as a 17 page DEA-6 reporting the debriefing of a Confidential Source (CS). The Committee's letter refers only to pages 1, 2, 4, 5, 6, 13 and 16. In response to the first of these questions regarding this report, a CS provided the information and not another U.S. Government agency.

The Committee has requested names and related information regarding the authors of specific DEA reports and documents. In order to best insure the safety and security of DEA employees and their families, the DEA does not generally release personal identifying information such as the names of authors of reports.

The second of these DEA reports referenced above is identified as an 11 page DEA-6 reporting the debriefing of a Confidential Source (CS). The Committee's letter refers only to pages 5, 6, 9 and 10. In response to the first of these questions regarding this report, a CS provided the information and not another U.S. Government agency.

The third of these DEA reports referenced above is identified as a 4 page DEA-6 reporting the "Third Quarter Status Report FY-91." The Committee's letter refers only to page 3 of this report. In response to the first of these questions regarding this report, this is a DEA-6 status report. There is no specific investigative information provided in this report nor was any information received from another U.S. Government agency.

QUESTION 7: Document 0274: This is one page from a two-page DEA report form File G4-96-0018. Please characterize the role of Orlando Castro Llanes in this investigation.

ANSWER 7: This two page DEA-6 reports information received as a result of the debriefing of a Confidential Source (CS). Orlando Castro was identified in this investigation only as the former CEA of a banking institution in Venezuela that was allegedly implicated in the embezzlement of millions of dollars from the Venezuelan government.

QUESTION 8: Document 0284: This document is an excerpt from a DEA report containing a reference to a NADDIS record for Carum (sic) Capital Crop. Please provide a date for the referenced NADDIS record. In addition, this document states that "Note: Howard GLICKEN may be associated with the (redacted)." Please remove the redaction.

ANSWER 8: This document is a 32 page DEA-6 reporting "Response to Bern Country Office Information Request." This report was prepared by DEA Headquarters at the request of the Bern Country Office for indices checks on specific information provided by the Bern Country Office. The Committee's letter refers only to page 6 of the 32 page report. The NADDIS record for Carum (sic) Capital Corp was created on January 23, 1991. The portion of the report which the Committee wants the redaction removed shows the name "ARBOLEDA" family. If the redaction is removed from the report, the comment would read "Note: Howard GLICKEN may be associated with the (ARBOLEDA family)."

QUESTION 9: Document 0311: This excerpt from a DEA report contains the statement that "(redacted) advised (redacted) that previously GLICKEN had sent campaign contributions (redacted) but due to an ongoing investigation, (redacted) had to refuse the contributions." Please identify the individual who refused the Glicken contributions.

ANSWER 9: Gerald Lewis, Comptroller of Florida, is the person identified in the report as refusing the Glicken contributions.

QUESTION 10: Document 0323: This excerpt from a DEA report contains the following statement: "3. The individuals who allegedly have put out this contract on (redacted) are (redacted) and Thor HALBORSEN (sic). (Redacted) Investigation continues." Please identify the source of the quoted information. In addition, please identify the author of this DEA report.

ANSWER 10: The source of this information is confidential. As stated above, in order to best insure the safety and security of DEA employees and their families, the DEA does not generally release personal identifying information such as the name of the authors of reports.

QUESTION 11: Document 0348: This excerpt from a DEA report contains the following statement: "Also listed in (redacted) is Rafael ALCANTARA, for account [redacted] Bankers Trust Co. NY. This account was to receive trafficker funds at the direction of CASTRO in 1989. ALCANTARA is currently the name on an account at another bank, used (redacted) the direction (redacted) "office." (See paragraph 15 of this report.) Please provide the entire memo in unredacted form (except for the identity of informants). If you are unable to provide the memo in unredacted form, please explain why, and at a minimum, provide further clarification regarding

the identity of the "CASTRO" referenced in the report. In addition, identify the DEA field office which prepared the report.

ANSWER 11: This document is a 7 page DEA-6 reporting "CIDMONEY." The request to the Attorney General from the Committee only references page 2 of this 7 page report. This report is a summary of the financial transactions that have been completed from December 1991 through March 1992 and the research conducted on those transactions that concern individuals who are not in the questions from the Committee. The "CASTRO" identified in this report is not related to Orlando Castro Llanes. This report was generated by DEA Headquarters with assistance from the Miami Field Division.

QUESTION 12: Document 0475: This is a SWIFT banking document for Progresso Bank. Please provide the document

ANSWER 12: We are providing an unredacted version of this document.

QUESTION 13: Document 00484: This document is illegible. Please provide a clearer copy of the document, if possible.

ANSWER 13: This document (which is of poor quality) is page 2 of a 2 page teletype which has been copied and faxed and now has a shadow on the referenced document. This teletype (#[redacted]) was generated/originated by the Department of State, American Embassy, Caracas, Venezuela as a result of a newspaper article in the "El Nacional." In summary, the subject ot this document is as follows: "Subject: Media coverage for Friday, May 20, 1994 – Revocation of VISA, denial of entry to alleged money launderer Rafael Alcantara." The teletype reports the newspaper account of the decision by the U.S. Government to revoke the non-immigrant visa of prominent Venezuelan financier Rafael Alcantara under the 212.AC provisions of the Immigration and Nationality Act and to deny him entry to the United States. The article also reports that Mr. Alcantara was denied a visa because of strong evidence of his involvement in money laundering in Tachira State. DEA cannot comment on the accuracy of the news article.

QUESTION 14: Documents 0501-0502: This is a letter from Rafael Alcantara to the DEA. Please provide this letter to the Committee in unredacted form.

ANSWER 14: The information that has been redacted from this letter is the name of the DEA Country Attache. The other redacted information in this letter from Rafael Alcantara is provided as follows: "The false accusation derives from the blackmail attempt made on me by Mario Rodolfo Portell - a former employee of your agency - through a well-known Venezuelan lawyer. Mario Protell is the husband of Judge Mildred Camero, who issued the order for my arrest." The name of Mr. Barry McCaffrey was redacted and appeared in the cc section at the end of the letter.

QUESTION 15: Documents 0573-0574: Please identify the author of this document.

ANSWER 15: This document was generated by the United States Customs Service, Special Agent-in-Charge, New York.

QUESTION 16: Document 0623: This excerpt from a 39 page DEA report contains a reference to Orlando Castro. Please characterize the role of Castro in the investigation referenced in the report. In addition, identify the DEA field office that prepared this report.

ANSWER 16: This document is a 39 page DEA-6 reporting "Analysis of Documents seized from [a person not named in the Committee's requests] during the seizure of $849,250.00 on October 31, 1985." This report was prepared by DEA Headquarters at the request of the Los Angeles Field Division. Orlando Castro was identified in this investigation only as a name found on a 5x8 yellow note pad along with a telephone and pager number.

QUESTION 17: Document 0755: Please identify the DEA field office that prepared this report. In addition, please inform the Committee whether the investigation referenced in the report is still ongoing.

ANSWER 17: This document is a 2 page DEA-6 prepared by the New England Field Division. This is the only information received regarding Howard Glicken and there has been no investigation initiated as a result of this information.

QUESTION 18: Document 0760: This document is a letter from the DEA Miami field office to an unidentified individual. Please provide the date that the letter was sent, and characterize the role of Howard Glicken in the matter referenced in the letter.

ANSWER 18: This document is a 3 page letter from the Special Agent-in-Charge of the Miami Field Division to Mr. Joseph Kelley, Regional Chief Inspector, United States Postal Service, Memphis, Tennessee which contains no date on the letter. This letter to the United States Postal Service is an official request for assistance to initiate a mail cover on Howard Morton Glicken.

The Miami Field Division Office initiated this investigation which involved a large-scale money laundering and drug trafficking organization headed by a Colombian National identified as Jose Duvan Arboleda-Gonzales. During the course of this investigation, a number of precious metals refining companies were jointly established by Harry Falk, Jose Duvan Arboleda-Gonzales and Howard Morton Glicken. This investigation subsequently led to a 230 count indictment out of the Northern District of Georgia in 1991. Mr. Glicken was granted limited immunity in return for his testimony in this case. Mr. Falk was convicted of 90 counts of money laundering and is serving 27 years and Mr. Arboleda remains a DEA fugitive.

RESPONSE TO QUESTION 4

The newspaper article referenced in Document No. 0132
(Published in Spanish, with an English translation
prepared by the FBI)

Case ID#: [redacted]
Tan: 99-0570
Subject: Miguel Recarey
Contact: Paul Cignoli - Extension 1117

[TRANSLATION FROM THE SPANISH]

[Translator's Note: A series of dots (. . .) has been used to indicate an incomplete sentence and the letters (il) areas where the text is illegible. Translator's notes are indicated by brackets. Text in English in the original has been underlined. A series of lines (___) has been used to show where a sentence is interrupted and a word or words that would be there are missing due to the different word order in Spanish.]

[T.N. This is a translation of a photocopy of a newspaper article from the *"El Universal"* newspaper. The date, September 18, 1990, is handwritten at the top of the document.]

Accusation by Attorney Alvaro Rotondaro

They Bought Stock in the "Banco de Venezuela" with Dirty Money and State Funds

[Photograph - The legend next to the photograph reads: "Doctor Alvaro Rotondaro displays a *"Miami Herald"* article indicating that Miguel Recarey is a fugitive from justice, hiding out in Venezuela. (Photo Perdomo).]

The "Banco de Venezuela" shareholder will ask the Office of the Attorney General to open an investigation on the source of the said funds today, since they are consist of dirty money, derived from a fraud.

"Miguel Recarey, a swindler wanted by the FBI, is a partner of Antonio Lecuna, who has pleaded in behalf of Orlando Castro," affirmed Rotondaro.

"The IDB [Interamerican Development Bank] lent one and a half million dollars to an insurance company, owned by Orlando Castro, which was audited/placed in receivership* in the USA. It also granted loans amounting to millions to that group," he emphasized.

Roberto Romanelli

Attorney Alvaro Rotondaro, "Banco de Venezuela" shareholder, will petition the Office of the Attorney General of the Republic to conduct an investigation on the source of the funds used by Orlando Castro's group of companies to purchase stock in that institution, since there are indications of an alleged laundering of money derived from frauds.

Rotondaro affirmed that his "curiosity was piqued" by the fact that a group had invested approximately 3,400,000,000 bolivars to acquire 21% of "Banco de Venezuela" stock, whose annual earnings are approximately 1.5%, when that same money would earn 40% a year if invested in zero coupon bonds. This means that earnings of 1,300,000,000 bolivars were exchanged for earnings of 35,000,000 bolivars.

Worried by this situation, and specially since I was aware that these "Grupo Latinoamericano de Seguros" companies deal with funds belonging to the public (either depositors or insured persons) and, through its financial institutions, State funds, I received a series of anonymous communications about the presence in Venezuela of a gentleman named Miguel Recarey. He is one of the most wanted men in the United States as a result of a fraud in the amount of more than 2,000,000,000 dollars committed against the American social security. He founded two companies together with Antonio Lecuna. The latter, in turn, has addressed the "Comisión Nacional de Valores" [National Securities Commission] pleading for a decision in favor of Orlando Castro in the present litigation concerning the holding of the "Banco de Venezuela" shareholders' meeting.

To support his statements, Rotondaro displayed: two issues of United States newspapers, the "*Miami Herald*" and "*The Wall Street Journal,*" that reported the fraud committed by Recarey; and the charters of the "Turismo Juan Griego" and "Inversiones Alleven, C.A." companies, where Recarey and Antonio Lecuna Casanova appear as partners.

Rotondaro added that it is rumored that Recarey arrived in the country as Antonio Lecuna's guest and protégé, and that he is living at Lagunita Country Club.

The accuser also emphasized that Orlando Castro is the owner of a company called "Orcalla (the name is taken from the first letters of Orlando Castro Llanes) Corporation," which owns an insurance company named "Latin American Property and Casualty Insurance Company." This company was audited/placed in receivership* by the United States Office of Insurance Supervision because it lost all its reserves. It was forced to create a special reserve of 1,500,000 dollars to stay in business.

Rotondaro's accusations did not end there. He subsequently displayed a document certifying that the "Banco Industrial de Venezuela" gave "Orcalla Corporation" the million and a half dollars it needed to establish the reserve. He added that, in the process of purchasing the "Banvez" ["Banco de Venezuela"] stock, "State financial institutions were used to make the necessary bridge [T.N. the word used is "puente," literally "bridge," possibly refers to bridge loans] for this operation, that could result in the largest financial crash in Venezuela." In this respect, he pointed out that the BIV ["Banco Industrial de Venezuela"] has granted loans of approximately 800 million bolivars to the "Grupo Latinoamericano de Seguros."

Rotondaro said that he has been a shareholder of the Banco de Venezuela for twenty years. He owns a total of 300 shares and is afraid that control of the bank may be taken over by Orlando Castro.

- I am very worried, not by the increase in the value of the stock; I like that, but by these men's totally aggressive style. In order to take control of the Bank, they are trying to challenge the shares of some companies that they call Bank branches, but which in fact are not, by saying that they are Treasury stock, so that they have no voice or vote at the meeting. If these accusations are true, we would have a man who, as he says, "gets down off the mule," which in local slang means corrupting public officials for the purpose of obtaining favors and cushy jobs. And it is said that Recarey paid one of the sons of Mr. Bush, the president of the United States, 75,000 dollars to buy an apartment. All this frightens me.

As is common knowledge, the Banvez shareholders' meeting is scheduled to take place next Friday. A new confrontation is anticipated between the Banks' Board of Directors, under the leadership of Carlos Bernardez Lossada, and the group led by Orlando Castro, who has become the individual stockholder with the largest number of shares in the institution.

*[T.N. The word used is "intervenida," which can mean either that the company was the subject of an audit or that it was taken over by a receiver.]

MAR-24-1999 15:24 [redacted] P.05/05

18 SEPTEMBER 1990 EL UNIVERSAL, Mar...

3.86

Denuncia el abogado Alvaro Rotondaro

Con dinero sucio y recursos del Estado compraron acciones del Banco de Venezuela



El doctor Alvaro Rotondaro muestra una información del The Miami Herald, en la que se señala que Miguel Recarey se encuentra fugitivo, escandalizándose en Venezuela. (Foto Perdomo)

El accionista del Banco de Venezuela solicitará hoy a la Fiscalía General de la República que abra una averiguación sobre el origen de dichos fondos, por considerar que provienen del lavado de dinero fruto de estafas

"Miguel Recarey, un estafador buscado por el FBI, es socio de Antonio Lecuna, quien ha abogado en favor de Orlando Castro", afirmó Rotondaro

"El BID le prestó un millón y medio de dólares a una compañía de seguros, propiedad de Orlando Castro, la cual ha sido intervenida en EUA y además concedió préstamos millonarios a ese grupo", subrayó

Roberto Romanelli

El abogado Alvaro Rotondaro, accionista del Banco de Venezuela, solicitará a la Fiscalía General de la República una averiguación sobre el origen de los fondos utilizados para la compra de acciones de esa institución por parte del grupo de empresas de Orlando Castro, por considerar que existen indicios sobre un presunto lavado de dinero proveniente de estafas.

Rotondaro afirmó que "le llamó la atención" el hecho de que un grupo inversionista cerca de 3.400 millones de bolívares para adquirir 21% de las acciones del Banco de Venezuela, cuya rendimiento anual está ubicado alrededor de 1,5%, cuando ese mismo dinero invertido en bonos cero cupón obtendrían un rendimiento de 40% anual, lo que significa cambiar unas ganancias de 1.300 millones de bolívares aproximadamente por unos 35 millones de bolívares.

-Preocupado por esta situación, y más aún sabiendo que estas empresas del Grupo Latinoamericana de Seguros trabajan con dinero del público, bien sea depositantes o asegurados, y del Estado a través de sus instituciones financieras, me llegaron una serie de informaciones anónimas sobre la presencia en Venezuela de un señor llamado Miguel Recarey, uno de los hombres más buscados en los Estados Unidos por una estafa cometida contra el seguro social americano por un monto superior a los 2.000 millones de dólares, quien fundó dos empresas junto con Antonio Lecuna, quien a su vez se ha dirigido a la Comisión Nacional de Valores abogando para que dictamine a favor de Orlando Castro en el pleito que existe en torno a la realización de la asamblea de accionistas del Banco de Venezuela.

Para fundamentar sus declaraciones, Rotondaro mostró dos ediciones de los diarios norteamericanos "Miami Herald" y "The Wall Street Journal" en la que se informa sobre la estafa cometida por Recarey y las actas constitutivas de las empresas "Turismo Juan Griego" e "Inversiones Alleven, C.A.", en la que aparecen como socios Recarey y Antonio Lecuna Casanova.

Añadió Rotondaro que, según se dice, Recarey llegó al país invitado y protegido por Antonio Lecuna y está viviendo en la Lagunita Country Club.

El denunciante destacó igualmente que Orlando Castro es dueño de una empresa llamada "Orcalla (Iniciales de Orlando Castro Llanes) Corporation", la cual posee una compañía de seguros denominada "Latin American Property and Casualty Insurance Company" que fue intervenida por la Oficina de Control de Seguros de los Estados Unidos por haber perdido todas sus reservas, obligándola a capitalizar un capital especial de 1 millón 500 mil dólares para poder seguir operando.

Las denuncias de Rotondaro, no terminaron aquí. A continuación mostró un documento en el que consta que el Banco Industrial de Venezuela le otorgó a "Orcalla Corporation" el millón y medio de dólares que necesitaba para construir el enlace, añadiendo que en el proceso de compra de acciones de Banvenez se "utilizaron instituciones financieras del Estado para hacer los puentes necesarios de esta operación que puede terminar en el crack financiero más grande de Venezuela". Al respecto apuntó que el BIV le ha otorgado préstamos el Grupo Latinoamericana de Seguros por unos 800 millones de bolívares.

Rotondaro dijo ser accionista desde hace 20 años del Banco de Venezuela, con un total de 300 acciones, y sentir temor ante la posibilidad de que el Banco quede bajo el control de Orlando Castro.

«A mí me preocupa muchísimo, no que roben las acciones del Banco, eso me gusta, sino el estilo de estos señores de una agresividad total, que están tratando de impugnar las acciones de unas compañías que ellos llaman filiales del Banco pero que en realidad no lo son, diciendo que son acciones de tesorería para que no tengan voz y voto en la asamblea, con el fin de tomar el control del Banco. Y de ser ciertos estos señalamientos, tendríamos a un señor que, como él dice, "se baja de la mula" lo que en criollo significa corromper a funcionarios públicos para obtener favores y prebendas. Y Recarey, se dice, pagó 75 mil dólares a un hijo de Bush (el presidente de los Estados Unidos) para que comprara un apartamento. Y todo eso me alarma.

Como se sabe, la asamblea de accionistas de Banvenez está pautada para realizarse el próximo viernes, en la que se prevé un nuevo enfrentamiento entre la junta directiva del Banco, encabezada por Carlos Bernárdez Lozada y el grupo de Orlando Castro, quien ha pasado a ser el accionista individual con mayor número de acciones en la institución.

Contact: Paul Cignarella X 1117

139A-MM-62C-4/4/91

[redacted]
8/3/91 DI 88SC/PA
99110

RESPONSE TO QUESTION 12

Document Number 0475 in unredacted form

04/13/99 14:47 ☎202 [redacted] DEA CONG AFF +++ EONS

BANCO PROGRESO, S.A.C.A.

URKST[redacted] Mendoza

MUNDAY [redacted] 9:42 AM

CAPITAL AUTORIZADO Bs. 1.600.000.000,00
CAPITAL SUSCRITO Bs. 800.000.000,00
CAPITAL PAGADO Bs. 800.000.000,00
Gente útil a su disposición

SWIFT

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SAFE 815                    Message Inquiry: INCOMING FINANCIAL MESSAGE I

Msg ID: 93080300043   Msg Type: 100     Source: SWIFT      CID: ATLAUS3N
Status: DELV          Priority: U       Dest .. ADMCTL     LT : BPRGVECA A
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          Transaction Reference Number 20  [redacted]
     Value Date, Currency Code, Amount 32A [redacted] 30,000.
                   Ordering Customer 50  MEXCO VENEZUELA
                Ordering Institution 52D FRB.NYC
              Sender's Correspondent 53D BK OF NYC
            Receiver's Correspondent 54A ATLAUS3NXXX
                                         BANCO ATLANTICO, S.A.
                                         NEW YORK,NY
            Account With Institution 57D BANCO PROGRESO SACA MESA DE CAMBI
                                         VENEZUELA/[redacted]
                Beneficiary Customer 59  GRUPO EMPRESARIAL DE LA FRONTERA C
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BERNARD SANDERS, VERMONT
INDEPENDENT

April 20, 1999

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Re: Documents Regarding Ernest G. Green

Dear General Reno:

Pursuant to the request made by your staff, I am enclosing a number of materials relating to the Committee's investigation of Ernest G. Green. The following materials are enclosed:

1. Deposition of Lottie Shackelford, April 14, 1998.
2. Deposition of David Mercer, August 21, 1997.
3. Deposition of David Mercer, August 26, 1997.
4. Deposition of David Mercer, October 23, 1998.
5. Deposition of Bob Nash, September 4, 1997.
6. Deposition of Richard Mays, November 5, 1997.
7. Deposition of Jude Kearney, February 16, 1998.
8. Deposition of Scott Mills, March 11, 1998.
9. Notes from Interview of Barry Gold, March 26, 1998.
10. Notes from Interview of Jill Shawitz, August 3, 1998.
11. Notes from Interview of Theodore Roosevelt, September 24, 1998.
12. Notes from Interview of Mimi Chang, June 18, 1998.
13. Notes from Interview of James Christian and Robert Washington, May 30, 1997.
14. Correspondence between the Committee and Mr. Green. (This correspondence includes all subpoenas served upon Mr. Green. It does not include interrogatories answered by Mr. Green, which are still Executive Session material, and need to be released by a vote of the Committee.)
15. April 1, 1997, Document Production by Ernest G. Green.
16. April 21, 1997, Document Production by Ernest G. Green.
17. June 2, 1997, Document Production by Ernest G. Green.

18. November 21, 1997, Document Production by Ernest G. Green.
19. December 10, 1997, Document Production by Ernest G. Green.
20. July 20, 1998, Document Production by Ernest G. Green.
21. April 22, 1998, Document Production by Lehman Brothers.
22. September 15, 1998, Document Production by Bell Atlantic (Ernest Green Business Phone Records).
23. July 21, 1998, Document Production by Riggs Bank.
24. July 22, 1998, Document Production by NationsBank.
25. July 31, 1998, Document Production by NationsBank.
26. September 3, 1998, Document Production by NationsBank.
27. September 8, 1998, Document Production by NationsBank.
28. September 18, 1998, Document Production by NationsBank.
29. February 26, 1998, Document Production from Bell Atlantic (Ernest Green Home Telephone Records).
30. Copies of subpoenas and document requests regarding Ernest G. Green.

This material constitutes the vast majority of documents, interviews and depositions in the possession of the Committee that relate to its investigation of Mr. Green. The Committee also retains original photographs belonging to Mr. Green which were taken at the October 1995 event at the Shangri-La Hotel in Hong Kong. If you wish to be provided with a copy of those photographs, please inform my staff. As you know, most of those photographs were reproduced as Exhibits 59-71 to Chapter IV-B of the Committee's Interim Report.

If there is any more material that would be useful to your evaluation of the Committee's referral of Mr. Green, please contact the Committee's Deputy Counsel and Parliamentarian, David A. Kass, at 225-5074.

Sincerely,

Dan Burton
Chairman

cc: Henry A. Waxman, Ranking Minority Member (w/o enclosures)
David Vicinanzo, Esq., Campaign Financing Task Force (w/o enclosures)

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

MAY 6 1999

The Honorable David M. McIntosh
Chairman, Subcommittee on
National Economic Growth, Natural
Resources, and Regulatory Affairs
Committee on Government Reform
and Oversight
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

The Department has completed its review of your referral of criminal allegations involving Deputy Counsel to the President Cheryl Mills. After careful consideration and review of the material submitted with your letter of September 17, 1998, we have determined that further investigation is not warranted and have declined prosecution.

Thank you again for your interest in this matter.

Sincerely,

M. Faith Burton

M. Faith Burton
Special Counsel to the
Assistant Attorney General

cc: The Honorable Dan Burton
The Honorable Henry Waxman
The Honorable John F. Tierney

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BERNARD SANDERS, VERMONT,
INDEPENDENT

May 26, 1999

The Honorable Janet Reno
Attorney General of the United States
United States Department of Justice
Washington, D.C. 20530

Dear General Reno:

I write to make one request and to bring another matter to your attention. First, I request that you appoint an Independent Counsel to investigate President Clinton's hosting of illegal fundraisers in the White House. Second, I would like an explanation of the extent to which your Department delayed executing a warrant to search Yah Lin "Charlie" Trie's offices and residence in Little Rock. Given the apparent failure to authorize wiretaps and searches in matters pertaining to alleged espionage at the Los Alamos nuclear laboratory, I was deeply concerned to learn recently that there was a very lengthy delay in the authorization of search warrants for Trie's residence and offices.

A. **Failure to Conduct a Vigorous Search of Charlie Trie's Residence and Offices**

I am aware of allegations that the Department of Justice failed to investigate accusations of espionage at U.S. nuclear laboratories. These allegations hold that the FBI prepared electronic surveillance requests on four separate occasions for a principal suspect and that the Department failed to approve these requests. The Department continues to defend this decision even though turning down such requests is extremely rare. In this same vein, I have recently learned that warrants to search Charlie Trie's residence and offices in Little Rock remained unexecuted for almost one year after they were prepared. Indeed, I have learned that an FBI agent was dispatched to Little Rock at one point to execute the search warrants and that that employee was called back to Washington without executing the warrants.

Given the recent conclusion of a trial concerning Mr. Trie's instructions to a former aide to destroy documents, I am astounded that the Department delayed the search of Mr. Trie's offices and residence. To an outsider, it appears that the Department of Justice's delay facilitated Mr. Trie's obstruction of justice.

While Department of Justice employees appear to have foiled the FBI's attempt to be vigorous in following up allegations that nuclear secrets were being compromised at Los Alamos, now I have learned that the Department appears to have worked to frustrate an investigation of a close friend and political appointee of the President -- one who just this past week pled guilty to campaign finance violations and who was tried by your Department of Justice for destruction of documents. The failure of your Department to approve electronic surveillance when it was clear that the Chinese government was attempting to steal nuclear secrets, coupled with the lengthy delay in executing search warrants for no apparent reason in the Charlie Trie case, is a disturbing pattern. If true, these incidents indicate that your Department's inaction may have resulted in more documents being destroyed and more data being taken from our nuclear laboratories.

I request that you provide me with a briefing as to the timing of the execution of search warrants of Mr. Trie's offices and residence. Given the fact that the Committee has an outstanding subpoena for Mr. Trie to testify before Congress, I request that you provide this briefing as soon as possible. I also request that you provide all records pertaining to requests to search Mr. Trie's Little Rock offices and residence. These records should include all recommendations of Justice Department officials, including your political appointees. Please provide these documents by 12:00 p.m. on Tuesday, June 1, 1999. If you do not produce the requested documents by this time, the Committee will issue a subpoena immediately after the failure to comply.

B. Request for an Independent Counsel

It is clear that the Department has decided that the hosting of "coffees" in the White House does not merit the appointment of an Independent Counsel. Given recent admissions by former Special Counsel to the President Lanny J. Davis, however, it seems clear that you should appoint an Independent Counsel. In a recently published book, Mr. Davis makes the following statement:

> Those coffees were held to raise money during a political campaign. That's a fact. . . . And they were successful at producing contributions. No amount of linguistic gamesmanship can alter those facts.[1]

If it is indeed true that these events "were held to raise money during a political campaign" and if they did succeed in producing contributions, I do not see how you are able to conclude that these events were not fundraisers. Indeed, the purpose of the Independent Counsel Act is to prevent you from making such interpretations in order to benefit the President who appointed you.

The Independent Counsel trigger is whether you receive specific information from a credible source. Mr. Davis specifically states that the "coffees were held to raise money during a political campaign" and that they "were successful at producing contributions." It is difficult to

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[1] LANNY J. DAVIS, TRUTH TO TELL 109 (The Free Press 1999).

imagine a more specific explanation of the purpose of the White House "coffees." Furthermore, it strains credulity to argue that one of the President's top legal advisers is not a credible source. Thus, I am at a loss as to why you have not already moved to appoint an Independent Counsel to investigate the coffees that were held in the White House.[2]

The attached document from the computer of former United States Ambassador March Fong Eu may also be of interest to you. Although this document was provided to the FBI in the summer of 1997, it appears to have been of little interest to your investigators. In this e-mail message to a fundraiser, Ambassador Eu states:

> There are two kinds of events that take place about two times a month. One is for 8-10 persons and would be a call on the "man" bin [sic] his office for anywhere from ½ to 1 hour for "coffee." The other would be for dinner with the "man" at an hotel near his bresidence [sic] for dinner for 15-20 persons. Either one is 50,000 per person.

This e-mail provides a clear indication that a government official -- a United States Ambassador -- unequivocally believed that President Clinton was holding fundraisers in the White House. Combined with the evidence from former Special Counsel to the President Lanny Davis, it is difficult to conclude that the "coffees" held in the non-residential part of the White House were anything other than fundraisers.

Sincerely,

Dan Burton
Chairman

cc: Director Louis Freeh
David Vicinanzo, Esq.

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[2] Mr. Davis appears to have forgotten to point out in his book that some of the White House "coffees" were held in the Roosevelt Room, which is directly across a hallway from the Oval Office.

Subpena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Department of Justice Serve: Attorney General Janet Reno

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton Rayburn is chairman, by producing such things in Room 2157 of the ..... Building ....., in the city of Washington, on June 14, 1999, at the hour of 5:00 p.m.

To Kimberly Reed or U.S. Marshals' Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 4th day of June, 19 99

Dan Burton
Chairman.

Attest:

Jeff Trandahl
Clerk.

Subpena for Department of Justice Serve: Attorney Genreal Janet Reno

Main Justice Building, Room 1603

Constitution Ave., NW

Washington, DC 20530

before the Committee on the Goxernment. Reform

Served In Craig Texas at
4:00 p.m. on June 4, 1999
at Dept. of Justice
by Kimberly Breed

House of Representatives

SCHEDULE A

Subpoena Duces Tecum
Government Reform Committee
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

United States Department of Justice
Serve: Attorney General Janet Reno
Tenth Street & Constitution Avenue N.W.
Washington, D.C. 20530

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions, please contact Chief Counsel Barbara Comstock at (202) 225-5074.

Definitions and Instructions

(1) For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

(2) For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

(3) This subpoena calls for the production of records, documents and compilations of data

and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

(4) The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

(5) No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

(6) If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

(7) When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by data, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

(8) This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

Subpoenaed Items

Please provide the Committee with:

1. All records relating to the preparation, application, or execution of search warrants of the home or office of Yah Lin "Charlie" Trie or Maria Mapili, including, but not limited to, potential warrants for which applications were never submitted;

2. All records relating to internal Justice Department discussions or deliberations regarding the decision of whether or not to apply for search warrants of the home or office of Yah Lin "Charlie" Trie or Maria Mapili;

3. All records relating to surveillance of the home or office of Yah Lin "Charlie" Trie or Maria Mapili by the Justice Department or the Federal Bureau of Investigation, including, but not limited to, records obtained pursuant to such surveillance.

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INDEPENDENT

May 28, 1999

Louis J. Freeh, Director
Federal Bureau of Investigation
J. Edgar Hoover Building
9th Street and Pennsylvania Avenue, N.W.
Washington, D.C. 20535

Re: Documents Relating to Yah Lin "Charlie" Trie

Dear Director Freeh:

As you may know, the Justice Department's Campaign Financing Task Force has in its possession many documents relating to Yah Lin "Charlie" Trie. In some cases, the Task Force has seized original documents from Mr. Trie or his companies. During the summer of 1998, the Task Force made a number of documents relating to Trie available for the Committee's review. At the time, the Committee agreed to review the documents at the Task Force's offices, and did not make the contents of the documents public.

The Committee has subpoenaed Mr. Trie, and plans to have him testify at a public hearing in the near future. As part of our preparation for that hearing, it is important to have access to documents relating to Trie in the possession of the Task Force. Therefore, please provide the Committee with all records possessed by the Task Force that were obtained from Yah Lin Trie, Daihatsu International Trading Corp., San Kin Yip International Trading Corp., America-Asia Trade Center, Inc., or any other company related to Mr. Trie. Of course, the Committee is not requesting materials covered by Rule 6(e) of the Federal Rules of Criminal Procedure.

The Committee has withheld this request for over a year, with the understanding that the release of these records could have an adverse impact upon Mr. Trie's trial. Now that Mr. Trie has pled guilty and is cooperating with the Justice Department, there should not be any concerns about providing these records to the Committee. If you have any

questions about this matter, please contact the Committee's Deputy Counsel, David A. Kass, at 225-5074.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member
The Honorable Janet Reno, Attorney General
David Vicinanzo, Esq., Campaign Financing Task Force

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BERNARD SANDERS, VERMONT,
INDEPENDENT

June 4, 1999

The Honorable Janet Reno
Attorney General of the United States
United States Department of Justice
Washington, D.C. 20530

Dear General Reno:

I have enclosed a subpoena for records pertaining to efforts to search Charlie Trie's house and office and related matters. As you may know, your staff has begun to work on this matter.

In the briefing that your staff gave committee staff on Wednesday, June 2, they acknowledged that the Department had indeed sent an FBI agent, as well as a Task Force attorney, to Little Rock to obtain a search warrant on July 2 and 3, 1997, only to have the agent and the attorney called back to Washington without executing this task. The efforts to search Trie's home in July 1997 were related to knowledge obtained by the FBI that Mr. Trie's assistant was destroying records. This occurred, as you may recall, on the eve of Senator Thompson's hearings on campaign finance in July 1997. The July 1997 hearings focused extensively on Mr. Trie's fundraising and related activities. An actual search of Mr. Trie's home was not done until late October 1997. It is troubling to wonder what additional records that we will never know about may have been destroyed in this time frame.

Because this appears to be a situation where Justice Department officials and FBI officials were at odds on appropriate investigative steps to take in an investigation of a longtime friend, Democratic fundraiser, and political appointee of the President, I believe it is important that the committee issue a subpoena to obtain all of the records pertaining to this and related matters to insure that all of the records are thoroughly searched and provided.

Your staff has committed to providing many of the documents on Monday, June 7 while they continue to search and review other records. I have provided for a compliance date of Monday, June 14, 1999, for all additional records. I understand that some of the e-mails may take longer and we will work with you in this area, but we would appreciate expediting these matters as soon as possible.

Thank you for your assistance.

Sincerely,

Dan Burton
Chairman

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BERNARD SANDERS, VERMONT,
INDEPENDENT

June 7, 1999

The Honorable Louis Freeh
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Director Freeh:

Pursuant to its authority under Rule X and XI of the House of Representatives, the Committee on Government Reform and Oversight hereby requests certain records. The Committee would like to request the following documents relating to the investigation of Yah Lin "Charlie" Trie.

1. Records of phone calls introduced by the Justice Department into evidence at Mr. Trie's trial in Little Rock; and

2. A copy of all 302's conducted by the FBI pursuant to the investigation of Mr. Trie.

Previously, the FBI has provided documents, specifically 302's, to this Committee after the Department of Justice concluded its investigation. We have been informed that the Department of Justice has closed its investigation of Mr. Trie. Therefore, we request that the documents be delivered to the Committee by June 16, 1999.

If you have any questions, please call Chief Counsel Barbara Comstock at (202) 225-5074. Thank you for your attention to this matter.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman

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BERNARD SANDERS, VERMONT,
INDEPENDENT

June 7, 1999

The Honorable Janet Reno
Attorney General
United States Department of Justice
10th and Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Re: Grants of Immunity

Dear General Reno:

The Committee on Government Reform recently subpoenaed Charlie Trie, John Huang, Maria Mapili, and Reynaldo Mapili to appear at Committee hearings. All of these witnesses have requested immunity before testifying. I am writing to formally request your opinion on immunity grants to these witnesses.

Maria Mapili was Charlie Trie's office manager. Mrs. Mapili testified at Mr. Trie's trial in Little Rock last month, and provided important evidence that Mr. Trie ordered her to destroy material responsive to a Senate subpoena. Mrs. Mapili may also offer important evidence regarding Mr. Trie's dealings with foreign nationals and his campaign fundraising activities. Mrs. Mapili testified under a grant of immunity from the Justice Department, and your staff has already indicated that the Justice Department would not oppose an immunity grant by the Committee to Mrs. Mapili.

We have also subpoenaed Reynaldo Mapili, Mrs. Mapili's husband, to testify. Mr. Mapili discussed the response to the Senate subpoena with Mr. Trie. Mr. Mapili was called as a witness at the Trie trial, and similarly testified with a promise of immunity from the Justice Department. Again, your staff has indicated that the Justice Department would not oppose immunity in this case.

In addition to requesting the Justice Department's opinion on grants of immunity to these witnesses, this letter serves as formal notice under 18 U.S.C. § 6005(b)(3) that the Committee may proceed to request such an order for Maria and Reynaldo Mapili. In addition, this letter serves as a request that the Department of Justice waive its rights

under 18 U.S.C. § 6005(c) to request a deferral of the district court's order granting immunity to the Mapilis.

When the Committee proceeds to grant the Mapilis immunity and receive their testimony at a hearing, we would also like to call as a witness FBI agent Roberta Parker. Agent Parker testified at Mr. Trie's trial in Little Rock, and provided significant testimony regarding Trie's efforts to obstruct justice. Please inform my staff whether you will make Agent Parker available for testimony before the Committee.

The Committee has also subpoenaed John Huang and Charlie Trie to appear as witnesses. Through their attorneys, each has indicated that they will request a grant of immunity if they are called prior to sentencing for their guilty pleas. Does the Justice Department agree that under the terms of their plea agreements, Huang and Trie need immunity prior to testifying before the Committee? Your staff has already indicated that the Justice Department currently opposes efforts by the Committee to hear testimony from Trie or Huang this month. Your staff has stated that Department officials estimate that they would oppose any immunity grant to Huang for approximately the next two months. Your staff did not offer a timetable on granting immunity to Trie, but presumably, it will be even longer than two months.

I am concerned by these additional delays. This investigation has been underway for more than two and a half years. News reports indicate that Mr. Huang's debriefing has been conducted for months, and is now complete. Many are concerned by the very light sentences that it appears Huang and Trie will receive for their "cooperation," which news reports indicate is very limited. The American people have a right to know what role these individuals played in the campaign fundraising scandal, and whether they are providing full and honest cooperation with the U.S. Government. Given the fact that both Mr. Huang and Mr. Trie are actively "cooperating" with the Justice Department, the public has a right to hear their testimony as soon as possible. I believe it is important that their public testimony occur before their sentencing in their criminal cases. Therefore, I request that the Justice Department work with the Committee to find dates before sentencing – and sooner rather than later – when both Huang and Trie will be free to testify before the Committee.

Finally, I would like to renew an earlier request I have made for the Justice Department's opinion on granting immunity to Charles T. Chiang. I first raised this issue one year ago, and I was informed that the Justice Department opposed any effort to grant immunity to Chiang because of Trie's upcoming trial. Now that Mr. Trie is cooperating with the Department, I hope that the Department's position has changed. Mr. Chiang's attorneys have provided the Committee with a detailed proffer of Mr. Chiang's testimony, and we believe that he would offer valuable testimony regarding Trie's fundraising activities. You may recall that it was this Committee which first brought Mr. Chiang to the Department's attention.

Please contact the Committee's Chief Counsel, Barbara J. Comstock, at (202) 225-5074 with any questions about this letter.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

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BERNARD SANDERS, VERMONT,
INDEPENDENT

June 14, 1999

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Re: Photographs of October 18, 1995, Hong Kong Event

Dear General Reno:

Pursuant to a recent request made by your staff, I am sending you the enclosed color copies of photographs belonging to Ernest G. Green. The majority of the photographs were taken at an October 18, 1995, event for Commerce Secretary Ron Brown at the Hong Kong Shangri-La Hotel. Several additional photographs were taken on October 17, 1995, at another event for Secretary Brown.

The Committee retains the original photographs, and if your staff has a need for the originals, please contact the Committee's Deputy Counsel and Parliamentarian, David A. Kass, at 225-5074.

Sincerely,

Dan Burton
Chairman

Attachments

cc: Henry A. Waxman, Ranking Minority Member (w/o enclosures)
David Vicinanzo, Esq., Campaign Financing Task Force (w/enclosures)

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BERNARD SANDERS, VERMONT,
INDEPENDENT

June 14, 1999

The Honorable Janet Reno
Attorney General of the United States
Department of Justice
10th Street and Pennsylvania
Washington, D.C. 20530

The Honorable Louis J. Freeh
Director of the Federal Bureau of Investigation
J. Edgar Hoover Building
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535-0001

Dear Attorney General Reno and FBI Director Freeh:

I write to recount our dealings with Justice Department staff over the past several weeks regarding documents pertaining to the search warrant for Charlie Trie's house in Little Rock. The Committee issued a subpoena for the records pertaining to the search warrant; the compliance date was Monday, June 14, 1999, at 5p.m. As of 5 p.m. this evening, the Committee did not receive the records subpoenaed, despite your own public statements and your staff's commitments that you would comply with this subpoena in a timely fashion.

On May 26, 1999, I wrote to you to request documents pertaining to efforts to search Charlie Trie's house in Little Rock. On May 28, 1999, Craig Iscoe contacted committee staff to state that the documents would not be produced by June 1, 1999, as requested. Mr. Iscoe said that gathering of documents already had begun and he would provide a briefing on the matter early the following week.

Committee staff did invite Mr. Iscoe to provide a briefing, and at that briefing almost two weeks ago, Mr. Iscoe stated that the committee would be provided most of the documents by Monday, June 7. He added that there might be e-mails and other documents that would be

produced after that date. Mr. Iscoe also indicated that anything that went into the search warrant was a closed matter and therefore could be provided. While he did indicate that there might be some grand jury 6(e) issues, he did not think those would cause undue delays.

As my staff explained to Mr. Iscoe after the meeting, I decided to issue a subpoena to the Justice Department for these documents because I had no confidence in the Department's representations regarding compliance. Unfortunately, the Department has continued to justify my lack of confidence.

As of Monday afternoon, June 14, 1999, the Justice Department had provided no documents on this matter to the committee, despite Mr. Iscoe's representations that we would receive documents on Monday, June 7. The subpoena provided for a compliance date of June 14, 1999, in order to provide your staff with even more time than your own staff requested and your staff indicated that the bulk of the material would be provided on Monday, June 7. The additional time was provided for the gathering of additional documents.

Let me recount to you the various representations from Mr. Iscoe just last week regarding your production of documents to the committee:

Monday, June 7
Late Monday, June 7, Mr. Iscoe called my Chief Counsel Barbara Comstock to say that the documents would not be delivered as promised on that date and that the documents would instead be produced on Tuesday, June 8. Mr. Iscoe suggested that there might be grand jury 6(e) problems because the attorneys were not sure what information was now public. Ms. Comstock pointed out to him that Justice Department attorneys conducted the Trie trial and should be familiar with the information that was made public.

Tuesday, June 8
At approximately 5:30 p.m., June 8, Mr. Iscoe called Ms. Comstock to say that the documents were prepared and were going to be delivered to the committee by 6:30 p.m. The documents were *not* delivered by 6:30 p.m. At approximately 8:30 p.m., Mr. Iscoe called Ms. Comstock who was still at the committee waiting for the documents to inform her that they would not be arriving despite his previous representations. In addition, Mr. Iscoe said they would not be provided in the morning because he had a hearing to attend (Mr. Iscoe did not explain why there was no one else at the Department of Justice who was able to deliver documents besides himself). He committed to producing the documents on Wednesday.

Wednesday, June 9
On Wednesday, June 9, Mr. Iscoe again called late in the day to say, once again, that he would not be able to produce the documents. At this time, Mr. Iscoe indicated that he had to meet with people about the documents before he could turn them over. Mr. Iscoe indicated he was having a meeting at 11:30 a.m. Thursday, June 10, and would then be able to provide the documents.

Thursday, June 10
While we understand that this meeting did occur on Thursday morning, no one contacted the

committee on Thursday, June 10 and the documents were not delivered. However, the Committee learned that the Department was informing press sources that the documents were not due until Monday, June 14, and they were not going to provide documents until that date, despite previous commitments.

Friday, June 11
At approximately 3 p.m., Mr. Iscoe called Ms. Comstock to inform her that even though most of the documents were collected they would not be delivered until Monday, June 14. He "promised" that the documents would be delivered on Monday and that he would call when they were going to be delivered. He also indicated that there would be additional documents after the subpoena date.

These constant delays and "the-check-is-in-the mail/dog ate my homework" approach to document production are unfortunately commonplace in our relations with the Department. They also hamper prompt and serious oversight investigations being conducted by Congressional Committees and do lasting damage to the relationship between the Congress and the Department of Justice.

Sincerely,



Dan Burton
Chairman

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

June 15, 1999

The Honorable Dan Burton
Chairman
Committee on Government Reform
United States House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This is in response to your subpoena of June 4, 1999, calling for the Department of Justice to provide specified documents to the Committee. In addition, this is in response to your letter of May 26 to the Attorney General and your letters of May 28 and June 7 to the Director of the Federal Bureau of Investigation requesting documents encompassed by or related to the material requested in the subpoena. As your letter transmitting the subpoena noted, the Department briefed the Committee staff on June 2, 1999 about matters regarding the subject of the subpoena.

Attached please find more than 1,400 pages of documents responsive to the Committee's subpoena. The documents have been redacted to (1) comply with the requirements of Rule 6(e) of the Federal Rules of Criminal Procedure regarding grand jury information as set forth in In Re Grand Jury Proceedings, D.D.C. (Sept. 25, 1998), Misc. No. 98-55 (NHJ), (2) comply with the requirements of 26 U.S.C. Section 6103 et seq. regarding federal income tax information, (3) comply with the requirements of 18 U.S.C. Section 3123(d) regarding pen registers, and (4) avoid disclosing material that does not pertain to the criminal investigations of Yah Lin "Charlie" Trie or Maria Mapili. Where redactions have been made, the reason for the redaction is clearly indicated on the face of the document. There are no redactions on the vast majority of the documents.

As we have discussed with your staff, after we obtain the transcript of the testimony in the trial of Mr. Trie that was presented before he entered his guilty plea, we will determine whether the public disclosure of particular information at trial will make it possible for the Department to remove the redactions of certain material that presently is redacted pursuant to Rule 6(e). If so, we will promptly provide you with copies of that material. We are also continuing to review the District Court decision cited above to determine whether it permits additional disclosures.

We should note that these documents include a letter to the Attorney General which, under the Department's usual practices, resulted in a review by the Office of Professional Responsibility (OPR). In keeping with longstanding Department policy, we have not provided a copy of a deliberative memorandum prepared by OPR, which contains a substantial amount of Rule 6(e) material, but have provided a copy of a Memorandum from the OPR Counsel setting forth the final decision made by OPR on the matter at issue. We request that the Committee respect the confidential nature of these materials.

Also enclosed are copies of the telephone toll records and FD-302s that you requested in your letter of June 7 to the FBI Director. We are in the process of reviewing several hundred pages of additional documents that we received yesterday from the FBI's Little Rock Office that are responsive to Category 3 of the subpoena. We will provide you with copies of those documents as soon as possible. As we have discussed with your staff, our search is ongoing. Although we believe that we have located almost all responsive documents, it may take some time to complete the search of stored electronic mail records. We will promptly provide the Committee with copies of any additional documents we locate that are responsive to the subpoena.

Please do not hesitate to contact me if I may provide you with additional assistance on this or any other matter.

Sincerely,

Jon P. Jennings
Acting Assistant Attorney General

Enclosures

cc: The Honorable Henry Waxman
Ranking Minority Member

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INDEPENDENT

June 16, 1999

The Honorable Janet Reno
Attorney General of the United States
U.S. Department of Justice
10th Street and Pennsylvania
Washington, D.C. 20530

Dear Attorney General Reno:

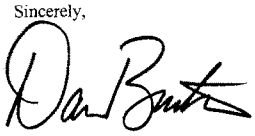
On June 7, 1999, I wrote to you regarding my concern with the Justice Department plea agreements with John Huang and Charlie Trie, two close friends and political appointees of President Clinton's who have now admitted to felony campaign finance violations. I ask for your immediate and personal response to these concerns.

In my letter I expressed my concern that you were not allowing either Mr. Huang or Mr. Trie to appear before the committee or be debriefed by the committee at this time. In particular, I noted that in light of their obligation to cooperate, I was concerned that the Department would be moving forward on their sentencing prior to their cooperation with Congress. Reports this week now indicate that Mr. Huang will be sentenced on Monday. News reports also indicate that his sentence will be a light sentence and that Mr. Huang has provided relatively little information. News reports about Charlie Trie's cooperation also suggest that he is providing limited information.

I request a meeting with you and the appropriate staff at your earliest convenience prior to Mr. Huang's sentencing. As you may know, the committee has on many occasions uncovered information that the Justice Department has not pursued. Just this week your staff has been requesting documents pertaining matters connected with Charlie Trie.

If you have any questions, please feel free to contact me or have your staff contact my Chief Counsel Barbara Comstock. Your immediate and personal attention to these matters is needed.

Sincerely,



Dan Burton
Chairman

Attachment
cc: Rep. Henry Waxman

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BERNARD SANDERS, VERMONT,
INDEPENDENT

June 17, 1999

Director Louis Freeh
Federal Bureau of Investigation
935 Pennsylvania Avenue N.W.
Washington, D.C. 20535

Re: Request for Documents

Dear Director Freeh:

Pursuant to its authority under Rule X and XI of the House of Representatives, the Committee on Government Reform hereby requests certain records.

Definitions and Instructions

1. For the purposes of this request, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this request, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This request calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

5. No records, documents, data or information called for by this request shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any requested record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

8. This request is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3½ inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Requested Items

Please produce to the Committee all records relating to the FBI's investigation of Charles M. Parish, Jr., formerly a consular officer in the United States embassy in Beijing.

Please produce the requested documents by the close of business on July 1, 1999. If you have any questions about this request, please contact the Committee's Deputy Counsel and Parliamentarian, David A. Kass, at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman, Ranking Minority Member

U.S. Department of Justice

Criminal Division

Assistant Attorney General *Washington, DC 20530-0001*

June 18, 1999

The Honorable Dan Burton
Chairman, Committee on Government Reform
United States House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Re: Maria Mapili, Reynaldo Mapili, Charlie Chiang John Huang, and Yah Lin ("Charlie") Trie

This is in response to the Committee's letters of June 7 and June 16 requesting the position of the Department of Justice on the Committee seeking court-ordered immunity for Maria Mapili, Reynaldo Mapili, Charlie Chiang, John Huang, and Yah Lin ("Charlie") Trie. We met with your staff yesterday, June 18, to discuss your requests in detail. As we stated at that meeting, the Department does not object to the Committee requesting the Court to grant immunity to Maria Mapili, Reyaldo Mapili, or Charlie Chiang and compel them to testify pursuant to 18 U.S.C. § 6005. The Department also hereby waives the requirement of 18 U.S.C. § 6005(b)(3) that the Committee provide the Justice Department with ten days' advance notice of its intention to seek immunity orders for the Ms. Mapili, Mr. Mapili, and Mr. Chiang and compel their testimony. In addition, the Justice Department does not intend to exercise its authority under 18 U.S.C. § 6005(c) to file applications with the District Court for deferrals of no more than twenty days in the Court's issuance of immunity orders for the Mapilis and Mr. Chang.

For the reasons explained during our meeting, the Department opposes the Committee seeking court-ordered immunity at this time for John Huang and Charlie Trie. We will contact

the Committee promptly if our position on immunity for either of those people should change. Please do not hesitate to contact me if I may provide you with additional information.

Sincerely,

James K. Robinson
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

June 23, 1999

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

Dear Mr. Chairman:

This is in further response to your letter of May 26, 1999. On June 15, we provided the Committee with more than 1,400 pages of documents that were responsive to the first section of that letter, to subsequent letters, or to a subpoena dated June 4. We provided the Committee with additional responsive documents on June 18.

Turning to the second part of your letter, the activities that you mention do not automatically suggest possible violations of federal criminal laws. It is not illegal to invite a campaign contributor to an event in the White House, even if the guest's campaign contributions led to the invitation. Section 607 of Title 18 of the United States Code is the criminal provision that comes the closest towards addressing the conduct you cite. That section, however, criminalizes only the actual solicitation or receipt of "contribution[s] within the meaning of 301(8) of the Federal Election Campaign Act of 1971," or so-called "hard money" campaign contributions, in the federal workplace. The Campaign Financing Task Force, which has explored this matter thoroughly, has developed no evidence that any covered person, or any person as to whom the Department of Justice would have a conflict of interest, requested or received a hard money campaign contribution during any of the coffees to which you refer. Therefore, there are no grounds for the Attorney General to seek appointment of an Independent Counsel.

Please do not hesitate to contact me if I may be of further assistance with respect to this or any other matter.

Sincerely,

Jon P. Jennings
Acting Assistant Attorney General

cc: Honorable Henry Waxman
Ranking Minority Member

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ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM
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WASHINGTON, DC 20515–6143

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BERNARD SANDERS, VERMONT,
INDEPENDENT

June 24, 1999

Mr. John J. Inhoff
Chief of the U.S. National
Central Bureau Interpol
U.S. Department of Justice
Washington, D.C. 20530

Dear Mr. Inhoff:

Pursuant to its authority under Rules X and XI of the U.S. House of Representatives, the Committee on Government Reform is conducting an investigation into foreign contributions to the Democratic National Committee, other alleged campaign fundraising abuses, political activities of agency officials, misuse of agency resources, and any related matters arising out of these areas.

As part of this investigation , the Committee requests all records relating to Ms. Liu Chao-ying (a.k.a. Liu Chaoying, a.k.a. Chaoying Liu, a.k.a. Xu Kai Lin), a Chinese national.

Thank you for your attention to this matter. If you have any questions regarding this request, please call Senior Counsel Tim Griffin at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

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BERNARD SANDERS, VERMONT,
INDEPENDENT

June 30, 1999

The Honorable Janet Reno
Attorney General of the United States
United States Department of Justice
Washington, D.C. 20530

Dear General Reno:

As you know, on June 4, 1999, the Committee subpoenaed documents from the Justice Department relating to the delay in searching Mr. Trie's home for documents which were illegally withheld from the Senate Governmental Affairs Committee. The documents produced to the Committee were heavily redacted, and Committee staff were assured that many of the redactions would be removed once Justice Department staff had received the transcripts of the Trie trial to see what grand jury information had become public in the course of the trial. The Committee has been waiting more than five weeks for such a review to take place, and we have been informed that the Justice Department does not have access to the transcripts of its own trial. Committee staff, however, obtained transcripts of the relevant trial testimony three weeks ago by simply calling the court reporter.

In the interest of expediting the Justice Department's review of the trial transcripts, the Committee has enclosed the testimony of Maria Mapili, Reynaldo Mapili, and Special Agent Roberta Parker. The Committee received this material from the court reporter on June 9, 1999. I hope the transcripts will facilitate your review process, and your compliance with the Committee's subpoena of June 4, 1999.

If you have any questions, please call Chief Counsel Barbara Comstock at (202) 225-5074. Thank you for your attention to this matter.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman (w/o enclosures)

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BERNARD SANDERS, VERMONT,
INDEPENDENT

July 7, 1999

The Honorable Janet Reno
Attorney General of the United States
United States Department of Justice
Washington, D.C. 20530

Dear General Reno:

It has come to my attention that there might be a list describing the disposition of all cases related to your campaign financing investigation. Given my efforts in the past to reach an understanding of where the Department of Justice is in its many campaign finance investigations, I would greatly appreciate a copy of any such list.

If you -- or any of your staff -- are indeed in possession of such a list, please provide it by 5:00 p.m. Friday, July 9, 1999.

Sincerely,

Dan Burton
Chairman

cc: Henry A. Waxman, Ranking Minority Member
David A. Vicinanzo, Chief, Campaign Finance Task Force
Craig Iscoe, Associate Deputy Attorney General

07/13/99 13:28 ☎ 002/003

U.S. Department of Justice

Criminal Division

Rec'd 7/13/99

Assistant Attorney General

Washington, D.C. 20530

July 8, 1999

The Honorable David M. McIntosh
Chairman, Subcommittee on
National Economic Growth, Natural
Resources, and Regulatory Affairs
Committee on Government Reform and
Oversight
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This responds to your letter to the Attorney General, dated May 27, 1999, in which you express your views about the Department's decision to decline prosecution of allegations involving Deputy Counsel to the President Cheryl D. Mills. As we advised you on May 6, 1999, the Criminal Division carefully reviewed the evidence that you submitted in support of your allegations of perjury and obstruction of a congressional inquiry and determined that, under the applicable law and the principles of federal prosecution, a prosecution was not warranted.

We hope you can appreciate that in determining whether to charge the commission of a crime, prosecutors must independently examine the facts and applicable law and act in accordance with their professional judgment. It was on the basis of such an analysis, wholly unrelated to political considerations, that career prosecutors in the Criminal Division reached their decision concerning the allegations against Ms. Mills.

We would like to accommodate the Subcommittee's interest in our review of the allegations against Ms. Mills through a briefing rather than by the provision of documents. The Department's career prosecutors are asked to render unbiased, professional judgments about the merits of potential criminal cases. If their deliberative processes were subject to congressional challenge and scrutiny, we would face a grave danger that our prosecutors would be chilled from providing the candid and independent analysis that is essential to just and effective law enforcement and that public confidence in the criminal justice process would be undermined. Accordingly, we are prepared to make appropriate supervisory personnel available to brief you or your staff about the general bases for the Criminal Division's decision.

Finally, your letter asks that we describe the Department's position on prosecution of perjury before Congress and obstruction of congressional inquiries. The Department regards allegations of perjury before Congress and the obstruction of congressional inquiries as serious matters and seeks indictments in appropriate cases, without regard to partisan interests. Although it is not possible to set forth all the considerations that might lead to a decision to prosecute or decline prosecution in a particular case, it is the Department's policy that in each case, due consideration should be given to the legal sufficiency of the case and the likelihood of conviction. In no event should the government initiate a prosecution where the prosecutors believe that the admissible evidence is insufficient to sustain a conviction by an objective and unbiased jury. See Principles of Federal Prosecution, U.S. Attorneys' Manual §§ 9-27.001 et seq.

I hope that this information is helpful. Please do not hesitate to contact me if I may provide you with additional assistance on this or any other matter.

Sincerely,

James K. Robinson
Assistant Attorney General

cc: The Honorable Dan Burton
The Honorable Henry A. Waxman
The Honorable Dennis Kucinich

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BERNARD SANDERS, VERMONT,
INDEPENDENT

July 8, 1999

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Re: Committee Requests Regarding Charles Intriago

Dear General Reno:

On November 30, 1998, the Committee requested the Justice Department, the Federal Bureau of Investigation, the Customs Service, and the Drug Enforcement Agency, to produce information relating to the Committee's investigation of Charles Intriago and Orlando Castro Llanes. Shortly after issuing the requests, the Committee was informed that the Justice Department would respond to the requests on behalf of all four agencies. While a number of documents have been produced over the last eight months, there are still several items outstanding which should be produced to the Committee.

Since I issued the document requests, my staff has been working closely with your staff in an attempt to obtain all relevant information so that the Committee can conclude its investigation of Charles Intriago and the Castro family. However, despite repeated requests, there are still a number of records and answers that have not been provided to the Committee. In the hope of expediting an answer from the Justice Department, I will provide one last written request for answers to the following requests.

A. NADDIS Records

The Committee's November 30, 1998, letter to the DEA requested the production of all records relating to Orlando Castro Llanes, Banco Progreso Venezuela, Thor Halvorssen, and Howard Morton Glicken. The request explicitly included NADDIS records relating to any of those individuals. However, The Justice Department still has not provided the Committee with the requested NADDIS records, or even confirmed the existence of NADDIS records. These records were requested over seven months ago, and my staff has repeated this request several times since then. The requested NADDIS

records are central to the Committee's investigation, and the Department's failure to produce them has hampered and delayed the Committee's work.

B. NADDIS Policies

My staff has requested that the Department inform the Committee of whether there exists a system to track access to the NADDIS system. This request was made at a meeting on January 28, 1999, and no answer has been provided. This should be a relatively simple question to answer, yet it has taken almost six months to answer it.

C. DEA Policies

My staff has also asked that the Department provide the Committee with information relating to DEA policies regarding the public release of information. These questions have been asked over the past several months, and we have not received answers. The questions are as follows:

1. Under what circumstances can the identity of a confidential informant be disclosed to a news media organization?

2. Under what circumstances may the identity of a confidential informant be released to non-law enforcement representatives of a foreign government?

3. Assuming there is a DEA policy regarding the release of information covered by Questions 1 and 2, does the same policy apply to past and present sources of information?

4. What is the policy for confirming or denying the existence of an ongoing investigation to the public?

5. Does the policy covered by Question 4 differ if the investigation is closed? Does it differ if the investigation is not active?

6. What is the policy on allowing DEA employees to testify in civil proceedings in state or federal court relating to their work as DEA agents?

D. Justice Department Memos Regarding Charles Intriago

On March 24, 1999, the Committee made a separate request for all records relating to the Justice Department's investigation of illegal political contributions made by Jorge Castro Barredo and Maria Sire Castro, including the efforts of Charles Intriago to facilitate those contributions. The department did not produce any documents to the Committee, and instead, provided a briefing to Committee staff. At this briefing on April 19, your staff described the material that would be responsive, and explained why the Department did not wish to comply with the Committee's request.

I appreciate your staff's efforts to accommodate the Committee's request through a briefing, and in fact, at the conclusion of the briefing, Craig Iscoe offered to provide the Committee with more information on the requested documents, if necessary. In light of the facts gathered by the Committee to date, the briefing provided by your staff will not satisfy the Committee's investigative needs. The Committee requests copies of the three declination memoranda relating to the Intriago case. As you know, the Intriago case is closed, and it will be consistent with the Department's past practice to provide these memoranda to the Committee. During this Committee's investigation of the FBI files matter, the Department provided the Committee with a declination memo relating to Harry Thomason and Darnell Martens, and a prosecution memo relating to Billy Dale. The memos relating to Charles Intriago should be treated no differently than the Thomason/Martens or Dale memos.

The Committee has been patiently working with the Justice Department for seven months in an attempt to obtain this information without issuing a subpoena or calling witnesses to testify at a hearing. However, the Committee has a need to obtain this information and conclude its investigation. Therefore, please provide this information to the Committee by the close of business on July 14, 1999.

Sincerely,

Dan Burton
Chairman

cc: Henry A. Waxman, Ranking Minority Member

U. S. Department of Justice

Office of the Deputy Attorney General

Associate Deputy Attorney General

Washington, D.C. 20530

July 9, 1999

BY MESSENGER AND TELEFAX

Barbara Comstock
Chief Counsel
Committee on Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Ms. Comstock:

This is in response to your letter of July 7, 1999, which we received yesterday afternoon, stating that it had come to your "attention that the Department may have a list of the disposition of all cases related to [the Department's] campaign financing investigation" and requesting a copy of any such list by 5 p.m. today. The Acting Assistant Attorney General for the Office of Legislative Affairs, Jon P. Jennings, who ordinarily responds to letters from Members of Congress, is out of the country and will not return before 5 p.m. today. Accordingly, I am signing this letter.

As you know, earlier today Deputy Assistant Attorney General for the Criminal Division Michael Horowitz and I spoke with you and another member of the majority staff in order to clarify the Committee's request. Based on that discussion, we understand the following: (1) the Committee believes that the Department recently may have provided a Congressional committee or Member of Congress a list that describes the disposition of all Task Force cases; (2) the Committee is requesting a copy of any such list; (3) the Committee is not otherwise seeking to obtain a list of any investigations that have not been publicly disclosed; (4) the Committee is aware that some press releases may contain lists of prosecutions conducted by the Task Force, but is not seeking to obtain copies of such press releases; (5) the Committee is also aware that the Department may have listed the status of publicly disclosed investigations in letters it has sent to various Members or Committees, but does not consider those letters to constitute a "list;" (6) the Committee is not interested in having the Department provide it with a list of the disposition or status of all pending Task Force cases. Instead, it would simply like a copy of a list the Department has recently distributed to Congress, and (7) the Committee has not located or obtained a list, it is simply trying to determine whether the Department has provided such a list to

Congress.

To date, the Department has not been able to identify any instance in which it provided a Congressional committee with a freestanding list of the status of public Task Force cases. We are continuing our efforts to determine whether such a list may have been provided. Although the Committee has not asked us to prepare a list of the status of public Task Force prosecutions, we have prepared such a summary for the Committee.

Eighteen individuals and one corporation have been charged to date. The disposition of those cases is set forth below:

1. Johnny Chung: In March 1998, Chung pled guilty to tax evasion, bank fraud and two counts of conspiracy to violate the FECA by causing conduit contributions to be made to federal election campaigns. Mr. Chung cooperated with the government and was sentenced on December 14, 1998 to probation and 3,000 hours of community service.

2. Charlie Trie: Trie was charged with obstruction of justice in Arkansas and with campaign finance violations as well as obstruction of justice in the District of Columbia. In the latter case, his codefendant is Antonio Pan. Mid-way through the Arkansas trial in May 1999, Trie pled to causing a false statement to be made to the Federal Election Commission and causing a conduit contribution to be made. Trie is attempting to cooperate with the government. Sentencing is currently scheduled for August 12, 1999. Antonio Pan is a fugitive and remains indicted in the District of Columbia.

3. Maria Hsia: Hsia was indicted on tax charges in Los Angeles and for six campaign finance-related violations in the District of Columbia. The tax case resulted in a hung jury after which the charges were dismissed. The district court in D.C. dismissed all but one of the counts in the District of Columbia indictment and the government appealed. In May 1999 the Court of Appeals for the District of Columbia reversed and all counts were reinstated. The District of Columbia case is scheduled to go to trial in January 2000.

4. Pauline Kanchanalak and Georgie Kronenberg: This indictment in the District of Columbia involves both hard money contributions and soft money donations. The district court has ruled that soft money is not regulated under the Federal Election Campaign Act. The government has appealed the ruling on soft money contributions. Last week, the Court of Appeals granted the government's motion to have the appeal expedited and ordered that it be set for argument as early as possible on the Fall calendar. Trial is tentatively scheduled for November 1, 1999, though that date is dependent upon the Court of Appeals first issuing an opinion.

5. Franklin Haney: The defendant was tried in June 1999 in the District of Columbia for a wide-ranging series of conduit contributions. Mr. Haney was acquitted on all counts. He was charged with both a conspiracy as well as substantive counts of

causing false statements to be made to the Federal Election Commission and causing the making of conduit contributions.

6. Yogesh Gandhi: Mr. Gandhi pled guilty in the Northern District of California on June 25, 1999 to mail fraud, tax evasion and one Federal Election Campaign Act violation (aiding and abetting the making of a political contribution by a foreign national). He is scheduled to be sentenced on November 5, 1999. The plea agreement anticipates a sentence of 12-18 months.

7. Mark Jimenez: Jimenez is currently indicted in both the District of Columbia and Miami, Florida. The charges in the District of Columbia are all campaign-finance related. In Miami, the charges concern campaign finance matters, mail fraud, and tax evasion. Mr. Jimenez is a fugitive currently believed to be in the Philippines. The government has prepared an extradition request and it has been delivered to the Philippine Department of Justice.

8. Future Tech International (FTI): On Oct. 5, 1998, the corporation (whose CEO is Mark Jimenez) pled guilty to two counts of tax evasion stemming from campaign financing violations. On Feb. 5, 1999 The company was ordered to pay a fine of $1,000,000 as well as all back taxes and penalties.

9. Juan Ortiz: Ortiz, Chief Financial Officer of FTI, pled guilty on March 23, 1999 to one misdemeanor based on his having been a conduit for an illegal campaign contribution and participating in the reimbursement of eight other conduit contributions. He was sentenced to two years probation, $20,000 in fines and 2000 hours of community service.

10. Robert S. Lee: Lee pled guilty in Los Angeles to aiding and abetting a foreign national in the making of a campaign contribution. The illegal contribution was a $150,000 check drawn from an account entirely funded by a South Korean corporation. Mr. Lee is scheduled to be sentenced in July 19, 1999.

11. John Huang: An information was filed in Los Angeles on May 25, 1999 charging Huang with conspiring with Lippo Group executives to defraud the Federal Election Commission by reimbursing fellow employees with Lippo funds for campaign contributions. He is scheduled to plead guilty and be sentenced on August 2, 1999.

12. Berek Don: Mr. Don pled guilty in the District of New Jersey on May 27, 1999 to conspiring to cause conduit contributions to be made and to conspiring to cause contributions to be made in excess of the individual contribution limitation of $1,000. Sentencing is currently scheduled for August 19, 1999. (He also pled guilty to charges of mail fraud and tax evasion brought by the United States Attorney for the District of New Jersey.)

13. Nora, Gene and Trish Lum: In May 1997, Nora and Gene Lum were charged with a felony conspiracy based upon a scheme to make $50,000 in illegal campaign contributions through conduits to federal election campaigns. Their daughter Trish pled guilty to the misdemeanor of arranging a conduit contribution. This case was a referral from Independent Counsel Daniel Pearson. Nora and Gene Lum were sentenced to five months in a halfway house and five months home detention and each ordered to pay a $30,000 fine. Ms. Trish Lum was given probation, ordered to pay a $5,000 fine and to perform 150 hours of community service.

14. Michael Brown: Michael Brown was charged in August 1997 with a FECA misdemeanor based on his having made $4,000 in illegal conduit contributions to a federal election campaign. This case was a referral from Independent Counsel Daniel Pearson. Mr. Brown was given probation and ordered to pay a $5,000 fine and perform 150 hours of community service.

15. Howard Glicken: In July 1998, Glicken pled guilty in Miami, Florida to two campaign finance violations: soliciting a political contribution from a foreign national and causing a political contribution to be made in the name of another. On November 24, 1998 he was sentenced to 18 months probation, an $80,000 fine and ordered to perform 500 hours of community service

Please do not hesitate to contact me if I may provide you with additional information on this matter.

Sincerely,

Craig Iscoe
Associate Deputy Attorney General

cc: Kevin Binger
Chief of Staff

Philip Schiliro
Minority Staff Director

Kenneth Ballen
Minority Chief Investigative Counsel

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BERNARD SANDERS, VERMONT,
INDEPENDENT

July 15, 1999

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Re: Sentencing of John Huang and Charlie Trie

Dear General Reno:

As you can see from the attached correspondence, I have requested that Judge Howard, the sentencing judge for Charlie Trie, delay the sentencing of Mr. Trie. I have drafted a similar letter to Judge Paez, the sentencing judge for John Huang. I have requested this delay so that the Committee can have an opportunity to question Trie and Huang before they are sentenced. As I have explained to your staff, I am concerned that Trie and Huang will have no incentive to cooperate with the Committee after they are sentenced. However, under your current plan, Trie and Huang will be sentenced within the next month.

I hope that your staff will not oppose my request, and will instead support the Committee's efforts to obtain truthful and complete testimony from Trie and Huang as soon as possible. In conjunction with my request to the two judges, I request that you take all action necessary to have Trie and Huang cooperate with the Committee, consistent with their responsibilities under the plea agreements that they have signed.

Sincerely,

Dan Burton
Chairman

Enclosures

cc: Henry A. Waxman, Ranking Minority Member
David Vicinanzo, Esq.

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BERNARD SANDERS, VERMONT,
INDEPENDENT

July 15, 1999

The Honorable George Howard, Jr.
United States District Judge
United States District Court, Eastern District of Arkansas
600 West Capitol Avenue
Little Rock, Arkansas 72201

Re: Sentencing of Yah Lin "Charlie" Trie

Dear Judge Howard:

I write to respectfully request that you delay the sentencing of Yah Lin "Charlie" Trie, which is reportedly scheduled to take place next month. As explained below, Mr. Trie is a central witness in this Committee's campaign fundraising investigation, and the Committee needs to question Mr. Trie prior to his sentencing. If you delay Mr. Trie's sentencing until the Committee has had the opportunity to question him, it would substantially increase the likelihood of Mr. Trie's truthful cooperation with the Committee. Moreover, such a delay would not cause any harm to either Mr. Trie or the investigation being conducted by the Department of Justice.

The Committee on Government Reform has been conducting an investigation of campaign fundraising illegalities in the 1992 and 1996 federal elections for more than two and a half years. As part of its work, the Committee has conducted an extensive investigation of allegations relating to Charlie Trie. Charlie Trie is a central figure who was involved in numerous criminal transactions in the course of the campaign finance scandal. When subpoenaed by the Committee, Mr. Trie invoked his Fifth Amendment rights.

Last month, prior to a verdict in his trial before you, Mr. Trie reached a plea agreement with the Justice Department. As you know, this plea agreement requires Mr. Trie to "fully cooperate with the United States" in a number of ways, including "be[ing] available for interview upon reasonable request." In the view of the Committee, Mr. Trie's plea agreement requires him to cooperate with the Committee's campaign fundraising investigation. Nevertheless, Mr. Trie continues to invoke his Fifth Amendment rights, and requests a formal grant of immunity from the Committee prior to testifying. The Justice Department has informed the Committee that it will oppose a

grant of immunity by the Committee until Mr. Trie has testified in any cases that are brought as a result of his cooperation. However, for reasons that are not entirely clear, the Justice Department appears to be insisting on proceeding with Mr. Trie's sentencing before he has testified at any upcoming trials, and before he has cooperated with the Committee.

I object to the Justice Department's plan to sentence Mr. Trie at this time, and request that you delay Mr. Trie's sentencing until the Committee has had the opportunity to question Mr. Trie. There are two critical facts which form the basis of my request. First, Mr. Trie has never cooperated with the Committee, and appears to be determined to continue stonewalling the Committee. Second, if Mr. Trie were sentenced prior to his appearance before the Committee, he would lose all incentive to cooperate with its investigation.

The public record clearly establishes the fact that Charlie Trie has repeatedly attempted to thwart the ability of Congress to obtain critical information from him regarding his role in the 1996 campaign fundraising scandal. Shortly after the Committee's investigation began, before he could even be served with a subpoena, Mr. Trie fled the country. Then, while hiding in China, Mr. Trie appeared on television to taunt Congress, claiming "they'll never find me." Additionally, while he was in China, Mr. Trie directed his subordinate, Maria Mapili, to destroy documents responsive to a Senate subpoena regarding his fundraising. These facts were outlined by Ms. Mapili in your courtroom during Mr. Trie's trial. Eventually, Mr. Trie did return to the United States to face charges, but his stonewalling has continued. After being served with a Committee subpoena, Mr. Trie invoked his Fifth Amendment rights. Even now that Mr. Trie has pled guilty, and is reportedly cooperating with the Justice Department, he continues to invoke his Fifth Amendment rights in response to the Committee. Mr. Trie's continued invocation of his Fifth Amendment rights is particularly frustrating, given that he no longer faces any reasonable fear of prosecution from the Justice Department.

Mr. Trie's conduct over the past two years makes it clear that he does not want to cooperate with Congressional investigations, and is willing to do anything to thwart Congress. In fact, the Committee understands that in the course of his plea negotiations, Mr. Trie requested that it be made a condition of his plea that he not have to cooperate with Congress. Obviously, the Department could not make such an agreement limiting the powers of Congress. But the fact that Mr. Trie appears to fear testifying before Congress raises doubts about his current cooperation with the Justice Department, and points out the need for action by this Court.

Even the Justice Department does not question the Committee's right or need to question Mr. Trie. Rather, they have tried to force the Committee to wait to question Trie until after he has testified at upcoming trials, and after he has been sentenced. However, it is essential that the Committee's questioning of Mr. Trie take place prior to his sentencing. After Mr. Trie is sentenced, he will no longer have any incentive to cooperate with the Committee. If Mr. Trie testifies before the Committee prior to sentencing, his cooperation, or failure to cooperate with the Committee can be considered

by this Court in deciding whether to accept the Justice Department's lenient recommendations for sentencing.

There can be no doubt that if the Court considers my request, and delays the Trie sentencing, the Committee will have a better opportunity to conduct a fruitful questioning of Mr. Trie. The Committee's investigation of Mr. Trie has been extensive, and has frequently outpaced the Justice Department's own investigation. The Committee possesses a large amount of information that the Justice Department may not have obtained in the course of its own investigation. The Committee is continuing an active investigation of Mr. Trie, and continues to turn up new leads. The Committee should have an opportunity to explore these matters with Mr. Trie prior to sentencing, when it is most likely that Mr. Trie will cooperate.

I will be writing to the Justice Department to seek their assistance in getting Mr. Trie to cooperate with the Committee as soon as possible. But, in the interim, Mr. Trie should not be sentenced until he has fully cooperated with this Committee, and any other federal or state governmental body, as required by his plea agreement. A delay in Mr. Trie's sentencing would serve the important goal of guaranteeing that he has cooperated with the United States Congress' efforts to uncover all relevant information about illegal fundraising in the 1992 and 1996 federal elections. If you have any questions about this matter, please contact me, or my Chief Counsel, Barbara J. Comstock, at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member
David Vicinanzo, Esq., Supervising Attorney, Campaign Financing Task Force
Reid Weingarten, Esq., Counsel for Yah Lin Trie

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BERNARD SANDERS, VERMONT,
INDEPENDENT

July 15, 1999

The Honorable Richard A. Paez
United States District Judge
Central District of California
Roybal Federal Building
255 East Temple Street
Los Angeles, California 90012

Re: Sentencing of John Huang

Dear Judge Paez:

I write to respectfully request that you delay the sentencing of John Huang, which is reportedly scheduled to take place on August 2. As explained below, Mr. Huang is a central witness in this Committee's campaign fundraising investigation, and the Committee needs to question Mr. Huang prior to his sentencing. If you delay Mr. Huang's sentencing until the Committee has had the opportunity to question him, it would substantially increase the likelihood of Mr. Huang's truthful cooperation with the Committee. Moreover, such a delay would not cause any harm to either Mr. Huang or the investigation being conducted by the Department of Justice.

The Committee on Government Reform has been conducting an investigation of campaign fundraising illegalities in the 1992 and 1996 federal elections for more than two and a half years. As part of its work, the Committee has conducted an extensive investigation of allegations relating to John Huang. When subpoenaed by the Committee, Mr. Huang invoked his Fifth Amendment rights.

On May 21, 1999, Mr. Huang reached a plea agreement with the Justice Department. This plea agreement requires Mr. Huang to "cooperate fully . . . with the United States, the Federal Bureau of Investigation, and, as directed by the United States, with any other federal, state or local government agency" in a number of ways, including "attend[ing] all meetings, interviews, grand jury sessions, trials, and any other proceedings at which your presence is requested." In the view of the Committee, Mr. Huang's plea agreement requires him to cooperate with the Committee's campaign fundraising investigation. Nevertheless, Mr. Huang continues to invoke his Fifth Amendment rights, and requests a formal grant of immunity from the Committee prior to

testifying. The Justice Department has informed the Committee that it will oppose a grant of immunity by the Committee until Mr. Huang has testified in any cases that are brought as a result of his cooperation. However, for reasons that are not entirely clear, the Justice Department appears to be insisting on proceeding with Mr. Huang's sentencing before he has testified at any upcoming trials, and before he has cooperated with the Committee.

I object to the Justice Department's plan to sentence Mr. Huang at this time, and I request that you delay Mr. Huang's sentencing until the Committee has had the opportunity to question him. There are two critical facts which form the basis of my request. First, Mr. Huang has never cooperated with the Committee, and appears to be determined to continue stonewalling the Committee. Second, if Mr. Huang were sentenced prior to his appearance before the Committee, he would lose all incentive to cooperate with its investigation.

First, it is important that the Court understand Mr. Huang's central role in the Committee's campaign fundraising investigation. During the early 1990's, Mr. Huang worked for Lippo Bank, which is part of the conglomerate suspected of funneling millions of illegal dollars into U.S. elections. From 1994 until 1995, Mr. Huang was a Deputy Assistant Secretary in the Commerce Department, where he was privy to sensitive trade and security information, and where he was in frequent contact with his old colleagues at the Lippo Group. From late 1995 until late 1996, Mr. Huang served with the President's personal approval as the Vice-Chair for Finance of the Democratic National Committee. In this position, he organized a number of fundraising events that raised millions of dollars for the DNC. Through its investigation, the Committee has learned that Huang played a key role in raising substantial sums of illegal contributions for the DNC.

However, Mr. Huang has never cooperated with the Committee's investigation. Mr. Huang began his history of noncooperation in October 1996, after the first news stories arose regarding his illegal campaign fundraising. Mr. Huang first tried to hide from the news media and investigators until after the November election before he was ordered to appear for a civil deposition by a federal judge. Then, he invoked his Fifth Amendment rights rather than cooperate with the Committee. Even now that Mr. Huang has reached a plea agreement with the Justice Department, he continues to invoke his Fifth Amendment rights. Mr. Huang continues to do so, even though he has no reasonable fear of prosecution. Mr. Huang's continued refusal to testify should highlight the fact that the Committee should be able to interview him prior to sentencing, as part of his plea agreement.

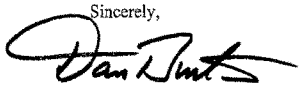
Even the Justice Department does not question the Committee's right or need to question Mr. Huang. Rather, they have tried to force the Committee to wait to question Huang until after he has testified at upcoming trials, and after he has been sentenced. However, it is essential that the Committee's questioning of Mr. Huang take place prior to his sentencing. After Mr. Huang is sentenced, he will no longer have any incentive to cooperate with the Committee. If Mr. Huang testifies before the Committee prior to

sentencing, his cooperation, or failure to cooperate with the Committee can be considered by this Court in deciding whether to accept the Justice Department's lenient recommendations for sentencing.

There can be no doubt that if the Court considers my request, and delays the Huang sentencing, the Committee will have a better opportunity to conduct a fruitful questioning of Mr. Huang. The Committee's investigation of Mr. Huang has been extensive, and has frequently outpaced the Justice Department's own investigation. The Committee possesses a large amount of information that the Justice Department may not have obtained in the course of its own investigation. The Committee is continuing an active investigation of Mr. Huang, and continues to turn up new leads. The Committee should have an opportunity to explore these matters with Mr. Huang prior to sentencing, when it is most likely that Mr. Huang will cooperate.

I will be writing to the Justice Department to seek their assistance in getting Mr. Huang to cooperate with the Committee as soon as possible. But, in the interim, Mr. Huang should not be sentenced until he has fully cooperated with this Committee, and any other federal or state governmental body, as required by his plea agreement. A delay in Mr. Huang's sentencing would serve the important goal of guaranteeing that he has cooperated with the United States Congress' efforts to uncover all relevant information about illegal fundraising in the 1992 and 1996 federal elections. If you have any questions about this matter, please contact me, or my Chief Counsel, Barbara J. Comstock, at (202) 225-5074.

Sincerely,



Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member
David Vicinanzo, Esq., Supervising Attorney, Campaign Financing Task Force
Ty Cobb, Esq., Counsel for John Huang

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BERNARD SANDERS, VERMONT,
INDEPENDENT

July 20, 1999

Director Louis Freeh
Federal Bureau of Investigation
935 Pennsylvania Avenue N.W.
Washington, D.C. 20535

Re: Request for Documents

Dear Director Freeh:

On June 17, 1999, I requested from the FBI all records relating to the FBI's investigation of Charles M. Parish, Jr., the former chief of the non-immigrant visa section in the U.S. Embassy in Beijing. In that letter, I requested that all responsive documents be provided to the Committee by July 1. The Committee has not yet received any documents pursuant to this request.

It is my understanding from contacts with your staff that the relevant documents have been compiled, and are awaiting review at the Justice Department. The Committee is holding a hearing on this subject on July 29, and it is critical that we receive the requested documents well in advance of the hearing. Therefore, please expedite the handling of my request, so that the Committee can be fully informed of the relevant facts before the July 29 hearing. If you have any questions about this matter, please contact Deputy Counsel & Parliamentarian David Kass at 225-5074.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman, Ranking Minority Member
Attorney General Janet Reno

U. S. Department of Justice

Office of the Inspector General

July 22, 1999

The Honorable Dan Burton ✓
Chairman
Committee on Government Reform
U.S. House of Representatives
Washington, D.C. 20515-6143

The Honorable Henry A. Waxman
Ranking Minority Member
Committee on Government Reform
U.S. House of Representatives
Washington, D.C. 20515-6143

Dear Mr. Chairman and Congressman Waxman:

I forwarded to the Office of the Deputy Attorney General and the Federal Bureau of Investigation your request that access to the Office of the Inspector General's classified report, The Handling of FBI Intelligence Information Related to the Justice Department's Campaign Finance Investigation, be granted to the following individuals: Barbara Comstock, Kristi Remington, Ken Ballen, and Michael Raphael. I have been advised that the Department does not object to these staff members gaining access to the report, provided that the following conditions are observed:

- These individuals must have the proper clearances (the report is classified at the TOP SECRET/CODEWORD level);
- the report must be stored, and its contents reviewed and discussed, only within a Secure Compartmented Information Facility (SCIF);
- any notes taken by those reviewing the report must remain in the SCIF;
- a log must be kept that indicates the date, time, and identity of when these individuals review the report; and
- no copies of the report may be made and members of Congress or staff may not discuss the classified material with anyone who has not been specifically granted access to the full report by the Department of Justice.

These conditions are essential inasmuch as the report contains information that relates to ongoing and sensitive criminal and intelligence investigations.

Please contact me at (202) 514-3435 if you have objections to these conditions or if you otherwise have any questions.

Very truly yours,

Michael R. Bromwich
Inspector General

cc: Honorable Eric H. Holder, Jr., Deputy Attorney General
Honorable Louis J. Freeh, Director, Federal Bureau of Investigation

DAN BURTON, INDIANA,
CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. McHUGH, NEW YORK
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DAVID M. McINTOSH, INDIANA
MARK E. SOUDER, INDIANA
JOE SCARBOROUGH, FLORIDA
STEVEN C. LATOURETTE, OHIO
MARSHALL "MARK" SANFORD, SOUTH CAROLINA
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ASA HUTCHINSON, ARKANSAS
LEE TERRY, NEBRASKA
JUDY BIGGERT, ILLINOIS
GREG WALDEN, OREGON
DOUG OSE, CALIFORNIA
PAUL RYAN, WISCONSIN
JOHN T. DOOLITTLE, CALIFORNIA
HELEN CHENOWETH, IDAHO

ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

MAJORITY (202) 225–5074
MINORITY (202) 225–5051
TTY (202) 225–6852

HENRY A. WAXMAN, CALIFORNIA,
RANKING MINORITY MEMBER
TOM LANTOS, CALIFORNIA
ROBERT E. WISE, JR., WEST VIRGINIA
MAJOR R. OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
PATSY T. MINK, HAWAII
CAROLYN B. MALONEY, NEW YORK
ELEANOR HOLMES NORTON,
DISTRICT OF COLUMBIA
CHAKA FATTAH, PENNSYLVANIA
ELIJAH E. CUMMINGS, MARYLAND
DENNIS J. KUCINICH, OHIO
ROD R. BLAGOJEVICH, ILLINOIS
DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
HAROLD E. FORD, JR., TENNESSEE
JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

July 27, 1999

VIA FAX (202) 616-2582
Mr. Johnny Stokes
Immigration and Naturalization Service
7100 Chester Arthur Building
425 I Street, N.W.
Washington, D.C. 20536

Dear Mr. Stokes:

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee hereby requests certain records. Please provide the Committee with a copy of any I94 records and the entire contents of the alien registration a.k.a. "A" files of the following individual:

Liu Chao-ying (a.k.a. Liu Chaoying a.k.a. Chaoying Liu), date of birth 10/29/59, People's Republic of China passport number 1320186 (issued 8/9/89).

Please produce the requested items to the Committee by Tuesday, August 10, 1999. If you have any questions, please contact the Committee's Senior Counsel Tim Griffin at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman

DAN BURTON, INDIANA
CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
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JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

July 28, 1999

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Re: Sentencing of John Huang and Charlie Trie

Dear General Reno:

On July 15, 1999, I wrote you regarding the sentencing of Democratic National Committee fundraisers John Huang and Charlie Trie. At that time I also wrote the two judges presiding over those cases requesting that they delay sentencing prior to their cooperation with this committee's investigation. Last week, your legislative affairs chief, Jon Jennings, assured my Chief Counsel, Barbara Comstock, that you wanted to work with us on this matter in a positive way. However, to date we have received no efforts at cooperation and it appears that John Huang's sentencing is to proceed next Monday, August 2, 1999.

It has long been apparent that you have presided over a campaign finance investigation that has been grossly derelict in getting to the facts and truth in these matters. A July 27, 1999 article in *The New York Times* (see attached) clearly demonstrates that your investigation has failed to follow the money trail provided by Johnny Chung's bank records -- a trail my committee has now been following for the past two months after finally receiving the Citibank wire transfer records from the account of Johnny Chung. Your investigation had these records for almost two years, yet the information was not pursued. You have repeatedly assured Congress that you have diligently followed all leads, now we learn that your investigation hasn't even bothered to go after evidence available from entities here in the United States.

It was not until this Committee had access to Johnny Chung, as a witness, and obtained

these records from the Department in May of this year that these leads were followed up by my staff. I can only imagine the leads provided regarding John Huang and Charlie Trie that your investigation has failed to pursue. Earlier this summer, we learned how your investigation resisted issuing a search warrant of Charlie Trie's home despite the fact that he had directed his bookkeeper to destroy relevant documents. As with the failure to follow the money trail of the $300,000 given to Chung by Liu Chao Ying, this indicates a gross dereliction of duty.

Now it appears that you intend to proceed with the sentencing of John Huang -- a key figure in the campaign finance investigation -- without first allowing Congress an opportunity to question him and obtain his cooperation. Your refusal to work with Congress in this regard can only lead us to conclude that you are not interested in discovering the full truth behind the Democratic fundraising activities of John Huang and Charlie Trie. The past record of your investigation provides no assurances that all matters relating to either Huang or Trie have been fully explored. Your Department has provided Mr. Huang with a plea agreement that results in no prison time, a minimal fine, and even offers to reinstitute his voting rights. It is precisely this kind of treatment for a longtime friend and political appointee of President Clinton that has brought your investigation into such disrepute. Charlie Trie's sentencing also is imminent, and again, it appears you have no interest in allowing Congress to follow up on matters that may have been ignored in your investigation and this longtime friend and political appointee of President Clinton will also be given a lenient sentence.

Your former Chief Prosecutor, Charles LaBella, wrote in his memo to you of the "contortions" that your political advisers were going through to avoid investigating matters relevant in the campaign finance scandal and the different standards that your investigation created for investigating high level officials versus other investigative targets who were pursued on just a "wisp" of information. With the sentencing of Huang and Trie we are seeing the fruition of the different standards evident in your investigation.

At this point, your investigation itself is highly suspect. Sweetheart deals for Presidential friends and total refusal to work with Congress to allow us to pursue leads your investigation has long left cold leaves this Committee with few options. Given your total failure to work with Congress in this matter and the highly questionable sentences provided these two close friends of the President, this letter is to notify you that I will be subpoenaing all records from the Department of Justice related to John Huang and Charlie Trie.

Sincerely,

Dan Burton
Chairman

Citibank Under Investigation
Two Congressional investigations, launched from different starting points, are examining Citibank and the confidential world of private banking, a growing and highly lucrative service. The investigations are examining how Citibank and a handful of other institutions handle the private accounts of foreign officials and their relatives. A6

Under Scrutiny: Citibank's Handling Of High-Profile Foreigners' Accounts

By JEFF GERTH

WASHINGTON, July 26 — Two Congressional investigations, set off from different starting points, are examining Citibank and the confidential world of private banking, a growing and highly lucrative service.

The investigations, led by lawmakers who rarely find common cause, are examining how Citibank — and a handful of other institutions — handle the private accounts of foreign officials and their relatives. The investigations are likely to result in the closest scrutiny yet by Congress of private banking.

The investigations are led by Representative Dan Burton, a conservative Indiana Republican, and Senator Carl Levin, a Michigan Democrat.

Mr. Burton is looking at allegations of Chinese involvement in the financing of the 1996 American election campaign, including $300,000 in Chinese Government money for the Democratic Party that was wired from Citibank's Hong Kong branch.

Senator Levin, aides say, wants to know how half a dozen American banks managed sensitive foreign accounts, including Citibank's work for powerful families in Asia, Africa and Central America.

Citibank, a unit of Citigroup Inc., entered the private-banking business in the 1970's, taking some business away from the highly secretive Swiss banks. Citibank is a leader in global finance, and while its private bank is relatively small, it has attracted elite clients.

U.S. investigators say Citibank bent a prime rule: 'Know your customer.'

But some customers have come under intense law enforcement scrutiny, and so too has the private bank.

First came Raúl Salinas de Gortari, who is the brother of Mexico's former President and who is currently in jail in Mexico. Raúl Salinas secreted millions in a Citibank account, money that investigators suspect came from illicit activities.

Then came the husband of Pakistan's former Prime Minister, who is also in jail for corruption.

More recently there was Liu Chaoying, the daughter of China's former top military official and the reported paymaster for $300,000 in Chinese military money intended for the Democratic Party in 1996, according to testimony from a participant in the payment.

The Salinas investigation has caused Citibank to tighten its policies.

"Since the Salinas episode, the bank's policy on accepting public figures as customers has toughened," said Tom Lahiff, a vice president and lawyer for Citibank. "Public figures are not a target market," he said, adding that public figures who do become clients are reviewed annually by top executives.

In 1992 Citibank Private Bank accepted Mr. Salinas as a client and then helped him move tens of millions of dollars out of Mexico. Other banks refused to do business with the Salinas family but Citibank, then the only American bank licensed in Mexico, opened the account with what investigators later found was scant review.

That case prompted a Federal criminal investigation of Citibank. No charges have been brought against Citibank and the bank denies any wrongdoing.

Congressional investigators and Federal bank regulators, however, are continuing to investigate Citibank's handling of other politically prominent foreign clients, examining whether Citibank has been more concerned with protecting the clients than cooperating with inquiries.

Last week Mr. Burton, chairman of the House Committee on Government Reform, complained in a letter to Citibank about "undue delays" and a "seeming lack of compliance" with a committee subpoena for records on the $300,000 wired to a Democratic fund raiser. Bank records list the sender as Ms. Liu, a Chinese military officer and aerospace executive whose father was then China's senior military official.

"We've been quite responsive to the committee in a short time frame," Mr. Lahiff said. "We sent an additional document today and by the end of the week we will have given them everything we can."

Ms. Liu transferred the money a few days after the head of Chinese military intelligence told her and the fund raiser, Johnny Chung, that he would soon have Ms. Liu forward $300,000 to Mr. Chung to support President Clinton and the Democratic Party, according to Mr. Chung's testimony last May before Mr. Burton's committee. Mr. Chung pleaded guilty to campaign-related charges, and was sentenced to probation after cooperating with investigators.

In his letter last week, Mr. Burton also questioned the lack of authorized signatures for Citibank accounts held by the People's Bank of China, the country's central bank. Last year Federal bank regulators had similar questions about these accounts as they tried to trace tens of millions of dollars from the central bank to an account at Citibank Private Bank that was controlled by the daughter of one of the Communist Party's old guard, Government documents show. The woman is the sister-in-law of Ms. Liu and a former official at a small California bank that served the Chinese business community.

Mr. Lahiff said the incomplete documentation stemmed from banking laws, common in some countries, including China, that "prohibit our production of certain information."

The Democrats on the Senate Permanent Subcommittee on Investigations, where Mr. Levin is the ranking Democrat, are looking at Citibank from a different angle, asking whether offshore private banks, in their desire to offer clients extra confidentiality, may leave themselves vulnerable to money laundering.

A primary focus of the Senate pan- is how Citibank Private Bank han- ed accounts for top foreign officials id their relatives, and whether ad- sing foreign leaders about their vestments affects Citibank's busi- ess dealings with those foreign untries, committee aides said.

Mr. Lahiff said Citibank had rned over "a lot of documents" to e Senate committee.

The Senate inquiry intensified af- r a General Accounting Office re- rt last December found that execu- ves at Citibank Private Bank ig- ored one of the bank's own safe- ards in helping to move up to $100 illion for Raúl Salinas while his rother, Carlos Salinas de Gortari, as President of Mexico.

Mr. Lahiff said the G.A.O. report ntained "a lot of errors," but he clined to specify them.

Another case under review by the nate committee, aides said, in- olves Pakistan's corruption investi- tion of Benazir Bhutto, the former rime Minister of Pakistan, and her sband, Asif Ali Zadari. The two ere convicted of corruption earlier is year in Islamabad. Documents ow that Citibank Private Bank in eneva handled tens of millions of llars for Mr. Zadari.

Citibank was not cited for any rongdoing and the corrupt pro- eds at issue in the trial did not volve Citibank, one lawyer familiar ith the case said.

Private banking, a Citibank offi- al testified in 1994, is a "white- oved kind of environment" for ealthy clients who "usually come om countries that are in turmoil of me sort" and seek to shelter their oney.

At the heart of all these investiga- tions lies a banking practice termed "know your customer."

According to a G.A.O. report last year on money laundering and off- shore private banking, Federal bank- ing regulators "consider 'know your customer' policies one of the most important components of an institu- tion's measures for understanding whom it is doing business with, rec- ognizing unusual transactions and detecting illegal or suspicious activi- ties."

When American bank regulators investigated possible money laun- dering involving the People's Bank of China and Ms. Liu's sister-in-law at the California bank, they raised questions about whether some Amer- ican banks knew enough about their customers, according to a lengthy report last year by the Comptroller of the Currency.

Money from the People's Bank of China flowed through a number of American financial institutions, but the Comptroller pushed for more in- formation about the Citibank ac- counts because that bank handled a significant part of the total. But Citi- bank gave the same explanation of- fered by Mr. Lahiff: Chinese law prohibited disclosure of much infor- mation.

Unlike the laws in Switzerland and other r countries, American regula- tions do not require banks to "know their customer," but most banks do. Still, there remains the question of whether pushing too hard for more disclosure will scare customers away.

KEEPING TRACK

Accounts at Citibank Private Bank Under Investigation

Raúl Salinas de Gortari



Citibank Private Bank took in and helped move a lot of money for Mr. Salinas, the brother of Mexico's former President. Citibank is under investigation by the Justice Department but no charges have been brought. Mr. Salinas, convicted of master- minding a murder in Mexico, is currently serving a prison sentence. The Swiss and Mexican Governments have frozen Mr. Salinas's money.

Asif Ali Zadari



A former senator in Pakistan and the husband of Benazir Bhutto, Pakistan's former Prime Minister, Mr. Zadari had accounts at Citibank Private Bank. He and his wife were convicted of corruption. While Citibank hasn't been accused of wrongdoing in its dealings with Mr. Zardari, he had about $40 million with Citibank Private Bank in Geneva that is part of the money that Pakistani authorities have been investigating.

Liu Chaoying



Ms. Liu had an account with Citibank Private Bank in Hong Kong. A $300,000 payment in 1996 to a Democratic fund raiser, Johnny Chung, that was earmarked to support President Clinton and the Democratic Party, originated from Chinese military intelligence and went through her account, according to Mr. Chung. Ms. Liu is under Federal investigation and a Congressional committee is looking at the transfer of money.

The New York Times

"The dilemma becomes: how far down the line do you push the cus- tomer," said Peter Sperling, a for- mer Citibank executive who helped set up Citibank's private internation- al bank in the early 1970's.

According to one G.A.O. report, "Citibank made no attempt to inves- tigate Mr. Salinas's background be- fore accepting him" as a customer in 1992. Mr. Salinas, who was referred to the bank by a prominent Mexican businessman, was arrested in 1995, and his Citibank accounts were later closed.

For prosecutors to show that a bank violated money-laundering statutes, they have to prove that the money was derived from an unlawful source and that the bank knew or should have known this.

But the Federal inquiry into the tens of millions of dollars in trans- fers by China's central bank in the mid-1990's — like the inquiry into Citibank's handling of Mr. Salinas's wealth — has produced no charges.

By now, the China trail is cold or incomplete. But Representative Bur- ton continues to press the matter beyond where Federal investigators have gone.

He is trying to trace the $300,000 that Ms. Liu wired to Mr. Chung, a small fraction of which wound up with the Democratic National Com- mittee. A select House committee concluded that the payment was an attempt by Ms. Liu to "better her position in the United States to ac- quire computer, missile and satellite technologies."

Mr. Burton's next stop will be Ms. Liu's account at Citibank Private Bank in Hong Kong.

Subpena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Department of Justice Serve: Attorney General Janet Reno

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building, in the city of Washington, on August 9, 1999, at the hour of 5:00 p.m.

To Kimberly Reed or U.S. Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 29th day of July, 19 99

Dan Burton
Chairman.

Attest:

Jeff Trandahl
Clerk.

Subpena for... Department of Justice ...Serve: Attorney General Janet Reno

Main Justice Building, Room 1603

Constitution Avenue, NW

Washington, DC 20530

before the Committee on the... Government Reform

Served... on Jon Jennings for Atty. General Reno at Dept of Justice on July 29, 1999 at 5pm by Kimberly Reed.

.....House of Representatives

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Department of Justice
Serve: Attorney General Janet Reno
Main Justice Building, Room 1603
Constitution Avenue, NW
Washington, DC 20530

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions, please contact the Committee's Chief Counsel Barbara Comstock at (202) 225-5074.

Definitions and Instructions

1. For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

5. No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3½ inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

Please provide the Committee with all records relating to the following inviduals:

1. John Huang; and
2. Yah Lin "Charlie" Trie.

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

July 29, 1999

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

Dear Mr. Chairman:

This is in response to your letters dated July 15, July 8, and June 14, 1999. We discuss the issues you raise in the sections that follow.

Granting Huang and Trie Congressional Immunity
Could Enable Them to Avoid Conviction for Criminal Activity

We turn first to your letter of July 15, in which you (a) advised the Department of your requests to the United States District Court Judges to delay the sentencings of Messrs. John Huang and Charlie Trie and (b) asked the Department to support your request and "take all action necessary to have Messrs. Trie and Huang cooperate with the Committee." As you may know, on June 17, 1999, several representatives of the Department met with the Committee's majority and minority staff in response to your inquiry about obtaining Court-ordered immunity for five individuals, including John Huang and Charlie Trie. During the meeting, we advised the staff that the Department did not object to the Committee issuing subpoenas to any of the five individuals (including Messrs. Huang and Trie) and that we did not oppose the granting of immunity to the three individuals other than Messrs. Huang and Trie. The Department promptly agreed to waive, with regard to those three individuals, the statutory requirement that the Committee provide the Department with ten days' advance notice before seeking immunity. We worked closely with your staff to be certain that our letter waiving the notice period contained the precise wording requested by the House Counsel.

With regard to Messrs. Trie and Huang, the majority staff told us that both were refusing to testify before the Committee without a grant of immunity. When we asked why the Committee needed their testimony prior to sentencing, we were advised that the Committee might have information concerning illegal or criminal conduct by Mr. Trie and that if the Committee had an opportunity to question Messrs. Huang and Trie about this information prior to sentencing, the Government could then use the material at sentencing. As we advised the majority staff, such a

process was untenable, given that we would be prohibited from using any such information against Messrs. Huang and Trie if we learned of it in the course of their public testimony under grants of immunity. United States v. North, 920 F.2d 940 (D.C. Cir.), cert. denied, 500 U.S. 941 (1990); United States v. Poindexter, 951 F.2d 369 (D.C. Cir. 1991), cert. denied, 506 U.S. 1021 (1992).

We explained to the majority staff that any such testimony would be compelled, and therefore under settled law it could never be used against the witnesses in a subsequent criminal prosecution. Moreover, because the judgments of conviction against Messrs. Trie and Huang will not be considered final until after their sentencings, if either defendant successfully sought to withdraw his guilty plea following his compelled public testimony, we might be barred from re-prosecuting the case because of the taint from the compelled testimony. Kastigar v. United States, 408 U.S. 931 (1972). As you probably know, Mr. Huang has not yet entered his guilty plea. Thus, following any immunized public testimony, Mr. Huang could simply decide against entering a guilty plea and then challenge any further prosecution as violating his Fifth Amendment rights pursuant to the Kastigar decision.

Finally, even if the prosecutors on the Trie and Huang cases attempted to avoid learning of Messrs.Trie's and Huang's immunized public testimony, the Department might still be barred from re-prosecuting them if they successfully sought to withdraw their guilty pleas. The convictions of Oliver North and John Poindexter following their public immunized testimony before Congress were reversed on similar grounds. United States v. North, supra.; United States v. Poindexter, supra.

We are certain that neither you nor your staff want to take any action that might endanger the felony convictions of either Mr. Trie or Mr. Huang. Please advise the Department of all matters that the Committee believes may involve illegal conduct, or other information that could be relevant to a sentencing judge, and the Department will then ensure that Messrs. Trie and Huang are questioned on those matters prior to sentencing. As you know, the Committee previously has provided the Department with information which the Committee gathered during the course of its investigation, which we certainly appreciate. By following this same practice in the Trie and Huang matters, we will avoid jeopardizing those important convictions and ensure that all relevant questions have been answered.

At the time when immunity would no longer threaten substantial harm to the criminal investigation, the Department will withdraw our objection to the Committee seeking a grant of immunity for Trie and Huang. At the present time, however, such a grant of immunity could irreparably harm the criminal prosecutions.

The Department Has Provided the Committee a Lengthy Briefing
on the Intriago Declination and is Prepared to Discuss it Further

In your letter dated July 8, 1999, you requested copies of declination memoranda relating to the Justice Department's criminal investigation of Charles Intriago and expressing concern about certain records and other information from the Drug Enforcement Administration (DEA). As you note in your letter, several Justice Department representatives met with Committee staff on March 24, 1999, in response to the Committee's prior request for documents relating to the Intriago investigation. The purpose of the meeting was to seek to accommodate the Committee's need for information without causing substantial harm to the Department's interest in protecting the confidentiality and integrity of its deliberative processes for determining whether to charge individuals with crimes. In order to address concerns expressed by your staff, the Department orally briefed the staff for almost two hours on the reasons for the declination and identified the supervisory prosecutors who approved the declination.

The decision to decline prosecution reflects the weakness of the evidence and problems with the statute of limitations, and had nothing to do with political considerations or contacts with Administration officials. We noted in the briefing that both Charles La Bella, who was then directing the Campaign Financing Task Force, and the Public Integrity Section concluded that the Department should not prosecute Mr. Intriago. In addition, we stated that the decision to decline prosecution was expressly approved by the FBI.

Prosecution and declination memoranda are extremely sensitive criminal justice documents and, consequently, are made available outside the Department only under the most extraordinary circumstances. The Department's career prosecutors are asked to render unbiased, professional judgments about the merits of potential criminal cases. If their deliberative documents were made subject to congressional challenge and scrutiny, we would face a grave danger that our prosecutors would be chilled from providing the candid and independent analysis that is essential to just and effective law enforcement and that public and judicial confidence in our law enforcement processes would be undermined. This concern is particularly strong in the case of declination memoranda, because they discuss the possibility of bringing criminal charges against individuals who are investigated but not prosecuted, thus implicating significant individual privacy and due process interests.

In an effort to further accommodate the Committee's interest in understanding the reasons for the Intriago declination decision, while avoiding the damage to law enforcement interests that would flow from disclosure of the deliberative portions of the declination memoranda, the Department is willing to provide you, the ranking minority member and one or two Committee staff from the majority and minority the opportunity to read the summary and conclusion sections of the three declination memoranda, as well as the complete text of a one-sentence memorandum from Charles La Bella transmitting the declination memorandum that he approved. As you and your staff will readily observe from the documents, the decision to decline prosecution in this matter was based solely on the prosecutorial judgment that the facts and the law did not support a

case. We trust that this further accommodation, together with the information we have provided in this letter and our briefing, will satisfy the Committee's needs regarding this matter and that you will preserve the confidentiality of the sensitive law enforcement information we are providing you.

The Department has Already Given the Committee Almost 900 Pages of Documents Identified in the DEA's NADDIS System and is Compiling Additional Information

Turning to your letter of July 8, as you know, the Department provided the Committee with more than 830 pages of records on February 11, 1999. In providing those records, we explained that we had redacted certain material in order to protect the privacy of persons who were not the focus of the Committee's inquiry and to protect any information that could compromise ongoing law enforcement investigations. We advised the Committee staff that, wherever possible, we would provide the Committee with a limited amount of additional information that would help them better understand the unredacted portions of the documents. After reviewing the documents, the Committee sent the Department a list of 18 questions about the redacted material.

In a letter dated April 19, 1999, the Department sent the Committee comprehensive answers to each of those questions. We understood that those answers fully satisfied the Committee's concerns. In addition, the Department later informally provided the Committee with copies of additional documents that it had located that were responsive to the Committee's initial document request. On June 21, 1999, the Department formally transmitted copies of those documents to the Committee. In that letter, the Department stated that it understood that it had completed its response to the Committee's inquiry.

The Department was surprised and concerned by your letter of July 8. Immediately after receiving the letter, Associate Deputy Attorney General Craig Iscoe contacted the Acting Director of the DEA and asked him to ensure that the DEA immediately prepared responses to all matters raised by the Committee. The Department also promptly scheduled a meeting with Committee staff and DEA officials. At that meeting, held on July 13 at the DEA headquarters, we addressed each of the Committee's concerns. First, DEA officials established that, contrary to the Committee's assertion, the Department had provided the Committee with all the information from its NADDIS files on February 12, 1999. As the DEA officials explained to the Committee staff, the indices that it had provided the Committee five months earlier contained every NADDIS record number that the Committee had requested. In fact, the 830 pages of documents contained far more information than the NADDIS records themselves. At the meeting, the Department permitted the Committee staff to examine the NADDIS records, which totaled only seven pages, so that they could double-check the records to confirm that the Department had provided the Committee with all records identified in the NADDIS files.

In addition, at the July 13 meeting DEA officials answered staff questions about how NADDIS records may be searched. The DEA is in the process of gathering specific information

about its NADDIS files that the Committee requested during that meeting. Finally, during the meeting, a member of your staff assured us that the Committee had not previously asked the six questions in your letter about DEA policies. The DEA is in the process of answering those questions and we anticipate being able to provide them to the Committee in the near future.

Finally, we would like to respond to your letter dated June 14, 1999 to Attorney General Reno and Director Freeh. Although it would not be constructive at this juncture to discuss the specific factual allegations in your letter that we dispute, we should note that we do not believe the letter accurately or fairly characterizes the conversations between your staff and Mr. Craig Iscoe.

The Department has complete confidence in Mr. Iscoe and believes that he has worked professionally and diligently to enable the Committee and the staff to meet their oversight needs while protecting our longstanding, non-partisan institutional law enforcement interests. He is a careful and thoughtful career prosecutor whose skill and expertise enable him to ensure that the Committee receives detailed, informative briefings and careful attention to your numerous letters and other requests. Indeed, the staff has often expressed their appreciation for his assistance. For example, I understand that members of your staff have stated that they recognize and appreciate Mr. Iscoe's successful efforts in assisting the Committee in obtaining detailed testimony from Johnny Chung.

I am hopeful that the Committee and Department can work well together in the future. I can assure you that we will make every effort to accommodate the Committee's needs consistent with our law enforcement obligations. I am also hopeful that we can work together more effectively on a personal basis and assure that we will do our best to do so. I respectfully request to meet with you at your convenience to discuss these issues and to begin a more cooperative dialogue.

Please feel free to contact me if you wish to discuss any of the above matters further.

Sincerely,

Jon P. Jennings
Acting Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

DAN BURTON, INDIANA,
CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. McHUGH, NEW YORK
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GREG WALDEN, OREGON
DOUG OSE, CALIFORNIA
PAUL RYAN, WISCONSIN
JOHN T. DOOLITTLE, CALIFORNIA
HELEN CHENOWETH, IDAHO

ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

MAJORITY (202) 225–5074
MINORITY (202) 225–5051
TTY (202) 225–6852

HENRY A. WAXMAN, CALIFORNIA,
RANKING MINORITY MEMBER
TOM LANTOS, CALIFORNIA
ROBERT E. WISE, JR., WEST VIRGINIA
MAJOR R. OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
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JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
HAROLD E. FORD, JR., TENNESSEE
JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

August 3, 1999

The Honorable Janet Reno
Attorney General of the United States
United States Department of Justice
Washington, D.C. 20530

Dear General Reno:

I write to bring three matters to your attention. Two relate to document requests, and the third pertains to Department of Justice policy regarding Congressional interviews of Department of Justice line attorneys.

On the latter point, one of your staff represented that the Department of Justice line attorneys who were made available in 1993 in the Rocky Flats matter for questioning by a Subcommittee then-chaired by Representative Dingell had spoken to the media, and that that was a factor in their being made available for questioning. I am interested in this precedent, and request that you clarify this policy. First, is it true that all Justice Department attorneys made available for Congressional questioning during the Rocky Flats matter had spoken to the media? Second, is it the Department's position that contacts with the media should be considered relevant to the decision to make Department attorneys available to Congressional committees?

On an unrelated matter, the Committee on Government Reform requested that the Department of Justice provide documents pertaining to an investigation of former State Department official Charles Parish. These documents were requested on June 17, 1999, and have yet to be produced. I sent an additional letter to FBI Director Freeh on July 20 informing him of the importance of receiving the requested documents prior to the Committee's July 29, 1999, hearing on allegations of consular improprieties in Beijing, China. I have been informed that the documents have been under review at the Justice Department for several weeks. I am concerned that the Justice Department has failed to produce these materials, despite the Committee's clear need. If the Committee does not receive the requested documents by Friday, August 6, 1999, I will be compelled to issue a subpoena for their production.

Finally, it is my understanding that the DEA has responded to Committee questions about certain documents pertaining to Orlando Castro Llanes, Charles Intriago, and about DEA procedures regarding confidential sources. The information has apparently been provided to Associate Deputy Attorney General Craig Iscoe, but has not been relayed to this Committee. I would greatly appreciate your efforts to ensure that the DEA's responses are forwarded to the Committee as soon as possible.

If your staff has any questions about these matters, do not hesitate to have them contact Chief Investigative Counsel James C. Wilson at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

cc: Craig Iscoe, Associate Deputy Attorney General
Jon P. Jennings, Acting Assistant Attorney General

Subpena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To United States Department of Justice Serve: Attorney General Janet Reno

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building, in the city of Washington, on August 20, 1999, at the hour of 5:00 pm

To Kimberly Reed or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 4th day of August, 19 99

Dan Burton
Chairman.

Attest:

Jeff Trandahl
Clerk.

by Martha C. Morrison
Deputy Clerk

Subpena for...United.States.Department of Justice

.....Serve:...Attorney.General.Janet.Reno

.....Tenth.Street.&.Constitution.Ave., NW

.....Washington,.DC...20530.....

before the Committee on the...Government Reform

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Served.....

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.....House of Representatives

SCHEDULE A

Subpoena Duces Tecum
Government Reform Committee
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

United States Department of Justice
Serve: Attorney General Janet Reno
Tenth Street & Constitution Avenue N.W.
Washington, D.C. 20530

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions, please contact Chief Investigative Counsel James C. Wilson at (202) 225-5074.

Definitions and Instructions

(1) For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

(2) For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

(3) This subpoena calls for the production of records, documents and compilations of data

and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

(4) The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

(5) No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

(6) If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

(7) When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by data, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

(8) This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

Subpoenaed Items

Please provide the Committee with all records relating to:

1. Any efforts by a U.S. Attorney's office to investigate or prosecute matters relating to the April 29, 1996, DNC fundraiser held at the Hsi Lai Buddhist temple; and

2. Any action taken by the Justice Department to transfer an investigation of the April 29, 1996, Hsi Lai Buddhist temple fundraiser from a U.S. Attorney's office to the Justice Department, including, but not limited to, any memoranda, letters, or contacts between or among the U.S. Attorney's office and Main Justice Department employees.

Subpena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To ....United States Department of Justice Serve: Attorney General Janet Reno

You are hereby commanded to produce the things identified on the attached schedule before the .....full..... Committee on .....Government Reform..... of the House of Representatives of the United States, of which the Hon. ..Dan Burton..... ..... is chairman, by producing such things in Room .....2157..... of the .....Rayburn..... Building ....., in the city of Washington, on .....August 13, 1999....., at the hour of .....5:00 pm.....

To ....Kimberly Reed or US Marshals Service.....

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this .....4th..... ~~day~~ of .....August....., 19.99....

.....Dan Burton.....
Chairman.

Attest:

.....Jeff Trandahl.....
Clerk.
by Martha C. Morrison
Deputy Clerk

Subpena for...Dept. of Justice Serve: Attorney General
10th St. & Constitution Ave., NW Janet Reno
Washington, DC 20530
.....

before the Committee on the...Government Reform
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Served.....
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.....**House of Representatives**

SCHEDULE A

Subpoena Duces Tecum
Government Reform Committee
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

United States Department of Justice
Serve: Attorney General Janet Reno
Tenth Street & Constitution Avenue N.W.
Washington, D.C. 20530

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions, please contact Chief Investigative Counsel James C. Wilson at (202) 225-5074.

Definitions and Instructions

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(3) This subpoena calls for the production of records, documents and compilations of data

and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

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(8) This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

Subpoenaed Items

Please provide the Committee with all records relating to unauthorized disclosures by the Justice Department of information relating to the Campaign Financing Task Force which is covered by Rule 6(e) of the Federal Rules of Criminal Procedure, including, but not limited to, all reports of such disclosures made to the Chief Judge of the District Court for the District of Columbia.

Subpena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To United States Department of Justice Serve: General Janet Reno

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room full of the 2157 Rayburn Building, in the city of Washington, on August 10, 1999, at the hour of 5:00 pm

To Kimberly Reed or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 4th day of August, 19 99

Dan Burton
Chairman.

Attest:

Jeff Trandahl
Clerk.

by Martha C. Morrison
Deputy Clerk

Subpena for...United States Department of Justice

...Serve: General Janet Reno.....

...Tenth Street and Constitution Avenue, NW

...Washington, DC 20530.....

before the Committee on the..Government Reform

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Served.....

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.....House of Representatives

SCHEDULE A

Subpoena Duces Tecum
Government Reform Committee
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

United States Department of Justice
Serve: Attorney General Janet Reno
Tenth Street & Constitution Avenue N.W.
Washington, D.C. 20530

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and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

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Subpoenaed Items

Please provide the Committee with all memoranda relating to the decision not to pursue an investigation or prosecution of Charles A. Intriago for campaign fundraising violations, including, but not limited to, memoranda dated October 8, 1997, November 4, 1997, and April 21, 1998.

Subpena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To United States Department of Justice Serve: Attorney General Janet Reno

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building, in the city of Washington, on August 13, 1999, at the hour of 5:00 pm

To Kimberly Reed or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 4th day of August, 19 99

Dan Burton
Chairman.

Attest:

Jeff Trandahl
Clerk.

by Martha C. Morrison
Deputy Clerk

Subpena for...United States Department of Justice

.....Serve:...Attorney General Janet Reno

.....Tenth Street and Constitution Ave., NW

Washington, DC 20530

before the Committee on the...Government Reform

Served.....

.....House of Representatives

SCHEDULE A

Subpoena Duces Tecum
Government Reform Committee
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

United States Department of Justice
Serve: Attorney General Janet Reno
Tenth Street & Constitution Avenue N.W.
Washington, D.C. 20530

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions, please contact Chief Investigative Counsel James C. Wilson at (202) 225-5074.

Definitions and Instructions

(1) For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

(2) For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

(3) This subpoena calls for the production of records, documents and compilations of data

and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

(4) The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

(5) No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

(6) If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

(7) When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by data, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

(8) This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

Subpoenaed Items

Please provide the Committee with all records relating to the Justice Department investigations of whether the following newspaper articles contain unauthorized disclosures of information from the Justice Department:

1. John F. Harris and Roberto Suro, "Clinton: 1996 'Issue Ads' Passed Legal Test," *The Washington Post*, November 10, 1998 (Attachment A);

2. Roberto Suro, "Prosecutors' Approach to Huang Signals Shift in Campaign Probe," *The Washington Post*, October 2, 1998 (Attachment B);

3. Ronald J. Ostrow, "Report to Reno Urges Independent Counsel on Fund-Raising," *Los Angeles Times*, July 24, 1998 (Attachment C);

4. Roberto Suro and Michael Grunwald, "Independent Probe of '96 Funds Urged; Reno Noncommittal on Campaign Report," *The Washington Post*, July 24, 1998 (Attachment D);

5. Brian Duffy, "Campaign Probe Looked at Ickes, Says La Bella," *The Wall Street Journal*, August 3, 1998 (Attachment E);

6. Jeff Gerth, "Democrat Fund-Raiser Said to Detail China Tie," *New York Times*, May 15, 1998 (Attachment F);

7. Roberto Suro and Bob Woodward, "Chung Ties China Money to DNC," *The Washington Post*, May 16, 1998 (Attachment G);

8. Bob Woodward and Brian Duffy, "Chinese Embassy Role in Contributions Probed; Planning of Foreign Contributions to DNC Indicated," *The Washington Post*, February 13, 1997 (Attachment H);

9. Bob Woodward, "FBI Had Overlooked Key Files in Probe of Chinese Influence," *The Washington Post*, November 14, 1997 (Attachment I).

Clinton: 1996 'Issue Ads' Passed Legal Test

Attorneys Had Reviewed Spots, President Says in Interview With Justice Dept. Staff

By JOHN F. HARRIS and ROBERTO SURO
Washington Post Staff Writers

Facing Justice Department investigators in a 90-minute interview at the White House, President Clinton said yesterday he and his political team had been assured by lawyers that the Democratic "issue advertisements" they orchestrated during the 1996 campaign were legal.

Clinton met voluntarily with two Justice Department lawyers and two FBI investigators in the Treaty Room on the second floor of the White House, according to advisers. The session was part of a 90-day inquiry Attorney General Janet Reno is conducting to determine whether to request the appointment of an independent counsel to investigate Clinton's role in supervising a massive ad campaign paid for by the Democratic National Committee.

Reno, who launched her review after a preliminary report by the Federal Election Commission concluded that Clinton illegally benefited from the party ads, has until Dec. 7 to decide whether to ask a special court to install an independent counsel.

Clinton's defense has been that the Democratic ad campaign, which cost $44 million or more in 1995 and 1996, was legal, but that even if it were not prosecutors must show an intent to break the law. If lawyers told him the ads were legal, the reasoning goes, there was no way the president could have meant to violate the law.

This is essentially what Clinton told his Justice Department interrogators yesterday, according to sources familiar with his testimony.

White House officials said little publicly about the session. In a written statement, Clinton's private attorney, David E. Kendall, said, "As the president has previously announced, he is cooperating fully with this investigation and voluntarily agreed when an interview was requested."

In recent weeks, the Justice Department has busily been conducting interviews for the case. Vice President Gore is to be interviewed later this week, his private attorney, James Neal, said yesterday. White House senior adviser Douglas B. Sosnik, who served as White House political director during the 1996 campaign, was interviewed late last month.

Yesterday marked the ninth time Clinton has been interviewed in various criminal or civil proceedings since he became president, either as the target of an investigation or a witness in other cases.

Clinton was interviewed almost a year ago by the Justice Department when investigators were examining whether he violated the law by making telephone fund-raising solicitations from the White House; Reno

See CAMPAIGN, A7, Col. 1

Clinton Defends Legality of 1996 Ads in Justice Dept. Review of Campaign

CAMPAIGN, From A6

those not to seek an independent counsel in that case.

This fall, Reno is conducting three simultaneous inquiries into various aspects of Democratic fund-raising in 1996.

In addition to the probe of Clinton, Reno is to decide by Nov. 24 whether an outside inquiry is necessary to determine if Gore made false statements to federal investigators last year. There is no allegation that Gore tried to hide potentially unlawful activity. Instead, this investigation focuses on the narrow question of whether Gore had more complete and accurate information about DNC bookkeeping practices than he acknowledged in an interview with Justice prosecutors and FBI agents.

By Nov. 30, Reno is scheduled to determine whether to seek an independent counsel to investigate allegations that Harold M. Ickes, a former deputy White House chief of staff, made false statements to a congressional committee that was asking him about Clinton administration efforts on behalf of the Teamsters Union in 1996.

Clinton is under scrutiny for the use of issue advertisements by the DNC during the 1996 campaign—ads largely financed by the party that promoted Clinton's views while not directly mentioning his reelection. Even as Reno has been conducting her investigation, the same kind of television advertisements implicitly backing other candidates filled the airwaves in advance of last Tuesday's election because Democrats and Republicans are convinced the practice is legal.

"Because this involves political speech, which clearly falls under the protection of the First Amendment, there is a relatively high threshold for determining what constitutes criminal behavior," said a senior Justice Department official. "There are not a lot of mysteries surrounding how the DNC ads were produced and financed, but whether anything crossed that threshold is another matter."

Clinton's defenders argue that the law in this area is murky and that every reasonable effort was made to ensure that the 1996 reelection effort did not overstep the law.

"We've told the Justice Department that we perceived this as a gray area of the law in 1996, and that it is a still a gray area, but that nonetheless we applied the law as best we could," said Joseph E. Sandler, the DNC's general counsel, who was recently interviewed by federal investigators on the Clinton case.

Sandler noted, for example, that he and other attorneys reviewed every ad before it was broadcast and successfully argued for modifications whenever they objected to the content. Justice officials acknowledged that proving such actions by DNC lawyers could make it difficult to allege that there was any knowing or willful intent to break the law.

Prosecutors' Approach to Huang Signals Shift in Campaign Probe

By Roberto Suro
Washington Post Staff Writer

For nearly two years, campaign finance investigators have viewed John Huang, a friend of President Clinton's and a top money man in the 1996 campaign, as a key to discovering whether misconduct extended to the top ranks of the Democratic Party or even to the Oval Office.

Now, instead of pressuring Huang to say what he knows about White House officials in exchange for immunity from prosecution, federal prosecutors are bargaining to get his testimony against Maria Hsia, a California fund-raiser already under indictment who played a minor though controversial role in 1996, according to lawyers close to the case.

Granting Huang immunity for information about a subordinate rather than a superior would mark a major reversal for the Justice Department, which has frequently promised that the campaign finance investigation would proceed from low-level figures to those who allegedly masterminded illegal fund-raising schemes.

The change in course on Huang comes as Attorney General Janet Reno is conducting three separate preliminary investigations to determine whether an independent counsel should look into campaign-related allegations against Clinton, Vice President Gore and former deputy White House chief of staff Harold M. Ickes. Those investigations are due to be completed by early December.

So far, the Justice Department's two-year-old campaign finance task force has resulted in charges against 12 persons, most of them relatively low-level fund-raisers or contributors such as Hsia.

Last month, the task force suffered a major setback when U.S. District Judge Paul L. Friedman tossed out five of the six charges against Hsia, a ruling that could undermine the legal theory used not only in her case but also in several of the other prosecutions. Friedman found that prosecutors had used "highly technical and inventive reasoning" to charge Hsia with causing the submission of false statements to the Federal Election Commission about the true identity of campaign donors.

"The ruling potentially has major significance because it will make it more difficult to use criminal statutes in cases that involve election law violations which are usually treated as civil matters," said GOP election lawyer Jan Baran. Senior Justice Department officials said an appeal of the ruling is likely.

Friedman's ruling let stand a single charge that Hsia, an immigration consultant and longtime Democratic Party activist, conspired to disguise illegal contributions from a Taiwan-based Buddhist organization following a controversial 1996 campaign event at a California temple. The event was part of Huang's fund-raising drive in the Asian American community and was attended by Gore.

Prosecutors first sought Huang's cooperation in the Hsia case before Friedman's ruling, but were unable to reach an agreement with his attorney, Ty Cobb, according to lawyers familiar with the talks.

Huang's status in the overall Justice investigation remains unclear, and he could still face indictment. But the lawyers said there have been no discussions with prosecutors that would lead to his testimony against senior Democratic Party or White House officials. And since Friedman's ruling, they said, prosecutors have come back again to seek Huang's testimony regarding Hsia as part of a proposed deal that would remove the possibility that he would face any future charges—either through a plea agreement or an outright grant of immunity.

Huang first befriended Clinton in the early 1980s when his longtime employer, the Indonesia-based Lippo Group conglomerate, made major investments in Arkansas. After some successful fund-raising for Democrats in California, Huang was named a deputy assistant secretary of commerce in 1994. When the presidential reelection campaign got underway, Huang moved to the Democratic National Committee as vice chairman for finance, where his efforts to raise money from affluent Asian Americans succeeded beyond expectations.

Following the 1996 election, however, the DNC returned $1.6 million raised by Huang because it came from foreign nationals, who are ineligible to make campaign contributions, or because the origin of the money was cloudy. Since then, Huang has been at the center of allegations ranging from the relatively minor claim that the DNC failed to adequately screen donations to the still-unsubstantiated charges that the government of China attempted to influence the 1996 election by directing money to the Clinton campaign.

Because his fund-raising brought him into contact with top officials in the campaign and the White House, including Clinton, some Justice Department investigators and many Republican critics of Clinton's campaign finance methods long argued that Huang could implicate top Democrats in an alleged scheme to knowingly collect illegal foreign donations.

But after a year-long, $3 million investigation of fund-raising in the 1996 presidential campaign, Republicans on the Senate Governmental Affairs Committee concluded that "what emerges from the Committee's investigation is a picture of Huang both complex and vexing, which raises as many questions as it answers."

And a senior Justice Department official said that some investigators have concluded that Huang does not have information that would support the prosecution of the Democratic officials who received and spent the funds he raised or the White House officials who promoted his career in Washington.

As a result, attention has turned to the possibility that Huang might be able to bolster the endangered case against Hsia.

ATTACHMENT B

LAT

Report to Reno Urges New Probe of Democratic Fund-Raising

■ Politics: Prosecutor who led investigation urges independent counsel after inquiry. Attorney general will seek advice before deciding, she says.

By RONALD J. OSTROW
TIMES STAFF WRITER

WASHINGTON—In the coming weeks, Atty. Gen. Janet Reno and her top advisors will be weighing a strong new recommendation from the former head of the illegal donations inquiry that she turn over the controversial probe to an independent counsel.

In a report summarizing his analysis of the law and facts he gathered as lead prosecutor in the investigation, Charles G. LaBella has greatly intensified political pressure on Reno to change her position and recommend appointment of an outside prosecutor to explore evidence against high-level government officials and Democratic Party fund-raisers.

Added to an earlier recommendation by FBI Director Louis J. Freeh that the Justice Department step aside, LaBella's report shows that two of the attorney general's most trusted investigators on the matter agree with Republican critics that the time is overdue for an outside prosecutor to take over the politically charged case.

The recommendation by LaBella, now acting U.S. attorney in San Diego, prompted a request for him, Freeh and James V. Desarno Jr., the FBI's chief political fund-raising investigator, to testify Thursday before the House Government Reform and Oversight Committee.

Confirming that she was reviewing LaBella's report, which was submitted July 16, Reno said: "I review all new information or conclusions or anything that is relevant to the issue of whether an independent counsel should be appointed and the statute triggered. . . . When I determine that it is triggered, I will trigger it."

At the same time, Reno made clear at her weekly briefing for reporters that she also would consult other department officials, who have counseled against appointing an independent prosecutor in the past.

"There are a range of lawyers within the department who have had long experience with the Independent Counsel Act," Reno said. "What we do is hear from everybody, not just one lawyer, but everybody. And we make sure that we try to consider all arguments and reach the best decision."

Government sources, even those speaking anonymously, declined to provide specifics on LaBella's report, which runs more than 100 pages. But one source who had read the report said it represents "a fresh approach to everything he [LaBella] has seen" and called for legal conclusions and steps that had not been advanced earlier.

Although the report does not recommend the investigation of specific individuals, it does analyze the activities of top government officials and their knowledge of possible wrongdoing, including President Clinton, Vice President Al Gore and others involved in Clinton's 1996 campaign.

LaBella's report contends that the mandatory provisions of the Independent Counsel Act, which deal with administration officials covered [illegible]he law, and its discretionary provisi[illegible]ich allow Reno to go outside her department to avoid a conflict of interest in investigating the administration she serves, call for an outside prosecutor in this case.

Reno brought in LaBella, a San Diego federal prosecutor with a reputation for hard-charging initiative, in October to revitalize the investigation.

The Justice Department's campaign fund-raising task force has brought charges against 11 people, most of them Democratic fund-raisers, for allegedly channeling illegal foreign contributions and other questionable funds into Clinton's reelection effort.

LaBella's report, one source said, reflects the frustration he encountered in arguing against veteran officials of the department's public integrity section—including its chief, Lee Radek, and Robert Litt, formerly in the Justice Department's criminal division and now a principal in the deputy attorney general's office.

The dispute over seeking an independent counsel, according to sources supporting LaBella's view, mirrors the traditional strains between Washington managers and often more aggressive field prosecutors. LaBella contended that Reno was given "bad advice" by those who advocated a more restrained, cautious approach in applying the independent counsel provisions.

Sen. Orrin G. Hatch (R-Utah), who long has pushed Reno to turn over the investigation to an independent counsel, said he did not believe Reno could ignore LaBella's recommendation. The chairman of the Senate Judiciary Committee, Hatch emphasized Freeh's own call for such action.

Freeh's recommendation went to Reno in a memorandum in November, but it regained attention last week when Sen. Fred Thompson (R-Tenn.) quoted its conclusion, based on an oral summary the FBI director had given him, at a Senate hearing. "It is difficult to imagine a more compelling situation for appointing an independent counsel," Freeh said, according to Thompson.

Times staff writer [illegible]ric Lacey contributed to this story.



San Diego Union-Tribune

Atty. Gen. Janet Reno brought in Charles G. LaBella, above, a San Diego federal prosecutor with a reputation for hard-charging initiative, in October to revitalize the investigation.

ATTACHMENT C

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ATTACHMENT D

Independent Probe Of '96 Funds Urged

Reno Noncommittal on Campaign Report

By ROBERTO SURO 7-24-98
and MICHAEL GRUNWALD
Washington Post Staff Writers

Attorney General Janet Reno is reviewing a new recommendation by her top campaign finance prosecutor that she seek an independent counsel but appears no closer to supporting such an outside probe than when the idea was first suggested 21 months ago, Justice Department officials said yesterday.

The prosecutor, Charles G. LaBella, delivered the report to Reno Friday as he prepared to end a 10-month stint as head of the Justice Department's campaign finance task force. After analyzing evidence collected by the task force but never made public, the report concludes that there are sufficient indications of wrongdoing by the 1996 Clinton-Gore reelection effort to merit an independent counsel, said officials familiar with the document.

Republican leaders in Congress immediately seized on news of LaBella's report to step up their long-standing demands for an independent counsel. But Reno continued to insist that she will only do what she thinks is right regardless of how many others, even within the Justice Department, urge her to do otherwise.

"If one person out of a hundred has the right answer, that's what I should do," she said. "I don't do things based on majority vote. I do things based on evidence and the law."

But Sen. Fred D. Thompson (R-Tenn.), who led the Senate's campaign finance investigation, said he suspected LaBella's report will not sway her. "I think she made this decision long ago, and nothing is going to change her mind," he said.

Rep. Dan Burton (R-Ind.), chairman of the Government Reform and Oversight Committee, immediately announced plans to hold a hearing next Thursday on the issue. LaBella, FBI Director Louis J. Freeh and James Desarno, the top FBI agent on the task force, have been called to testify. Reno was not invited.

"It is becoming more and more apparent that she is trying to protect the president rather than do her job as a law enforcement official," Burton said. "I think you're going to see people start calling for her replacement very soon. She's stretching the limits of the patience of the Congress of the United States."

LaBella's report marks at least the third time that a senior Justice Department official has advised Reno to seek an independent counsel in the campaign finance investigation. Last November, when a preliminary inquiry was underway into allegations that President Clinton and Vice President Gore had made illegal fund-raising phone calls from the White House, LaBella and Freeh urged her to seek an outside counsel, but Reno rejected the advice.

Officials familiar with Freeh's memo last winter and LaBella's current report said that LaBella's includes a much more extensive review of the evidence and makes a firmer conclusion that there are sufficient indications of wrongdoing by top officials to oblige Reno to seek an outside prosecutor. As with the Freeh memo, the basic argument is that top Democratic and White House officials conducted a systematic and deliberate effort to circumvent campaign finance laws setting limits on fund-raising and defining what constitutes a legal contribution.

LaBella's report does not dramatically break new ground either in the evidence it presents or in the legal arguments it marshals, but it does present a lengthy and detailed account of facts pointing to questionable Democratic fund-raising activities, according to officials familiar with the document.

Given his stature as a highly regarded and independent career prosecutor hand-picked by Reno to lead the campaign finance probe, LaBella has succeeded in reviving a controversy that has dogged the attorney general since the closing days of the 1996 campaign and that shows no signs of dissipating.

LaBella does not allege specific crimes against individual officials but rather points to a variety of circumstances that he believes require further investigation, officials said. He concludes that such an inquiry should be conducted by an outside prosecutor in order to fulfill the intent of the independent counsel law, a post-Wa-

See RENO, A22, Col. 1

Report Urges Independent Counsel

RENO, *From A21*

tergate reform designed to prevent an attorney general from investigating top officials of the same administration.

Reno yesterday repeatedly characterized LaBella's report as just one perspective on the independent counsel question and emphasized that she would consider opposing views as well before making a decision. In the past, those views have prevailed every time arguments similar to LaBella's have been presented to Reno. Lee J. Radek, the longtime head of the public integrity section in the Justice Department's Criminal Division, has been one of the most influential opponents to the appointment of an independent counsel among Reno's advisers, officials said.

LaBella, then the No. 2 federal prosecutor in San Diego, was appointed chief of the task force last September when the investigation was mired in internal disagreements and logistical problems. He effectively replaced Radek and made a point of distancing himself from the public integrity section and of reporting directly to Reno.

"There are a range of lawyers within the department who have had long experience with the Independent Counsel Act," Reno said yesterday. "And what we do is hear from everybody, not just one lawyer, but everybody. And we make sure that we try to consider all arguments, and reach the best decision based on the history of the act, the legislative history and other factors."

No special mechanism will be created to consider the report, department officials said. Instead, it will be handled as part of the usual process of overseeing the campaign finance investigation. One key question to be decided is whether Reno will deliver a specific response to LaBella's recommendations or whether it will be left an open matter, they said.

The apparent lack of urgency contrasts with several other occasions when Reno has responded within a few days, even within hours, after receiving recommendations that she launch the independent counsel process.

Republicans can complain if Reno ultimately rejects LaBella's advice, but there is not much they can do to change her decision. Sen. Arlen Specter (R-Pa.) wants the Senate Judiciary Committee to seek a writ of mandamus, a court ruling that would compel a government official like Reno to perform duties mandated by law. He says Reno has clearly shirked her duty to seek an independent counsel after receiving specific and credible evidence of wrongdoing by the president.

ATTACHMENT E

Campaign Probe Looked at Ickes, Says LaBella

Evidence of Wrongdoing At White House Cited By Departing Official

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By Brian Duffy
Staff Reporter of The Wall Street Journal

WASHINGTON—The departing head of the Justice Department's campaign fund-raising investigation has told Janet Reno that he developed evidence of wrongdoing by senior officials of the White House and the Democratic National Committee.

Charles LaBella's findings, presented in a lengthy memorandum to Ms. Reno, focus sharply on the fund-raising efforts of Harold Ickes, the former deputy White House chief of staff. They form the basis of Mr. LaBella's recommendation that Ms. Reno seek the appointment of an independent counsel.

"It's not exactly that we presented her with a smoking gun," a senior government official said. "But we showed her significant threads of evidence that went right into the White House and to the upper levels of the DNC."

Mr. Ickes, who couldn't immediately be reached for comment, has consistently denied any improper fund-raising activity. The White House declined to comment.

Mr. LaBella has obtained the cooperation of one Democratic fund-raiser, Johnny Chung, who has provided evidence that top DNC officials knowingly solicited and accepted improper donations from him. Mr. LaBella's prosecutors are negotiating with others who have provided information about senior White House officials' roles in fund-raising efforts in 1995 and 1996.

> **Attorney General Reno has refused to seek an outside counsel, though a senior adviser says she is considering means that would allow her to do so.**

Mr. LaBella is to testify about his findings before a House panel tomorrow, along with Louis Freeh, director of the Federal Bureau of Investigation. In a separate memorandum prepared for Ms. Reno last year, Mr. Freeh also argued for appointment of an independent counsel, noting that since prosecutors had subpoenaed telephone records of President Clinton and Vice President Gore, they already had begun an investigation of the two top officials covered by the special-prosecutor law.

Ms. Reno has refused to seek an outside counsel, though a senior adviser says she is considering means that would allow her to do so.

Interviews with senior government officials present a picture at sharp variance with the image of the inquiry that Ms. Reno has sought to portray. The attorney general appointed Mr. LaBella to the fund-raising task force after complaints by the FBI and senior Justice Department officials that it had stalled.

Since then, Ms. Reno has repeatedly told her Republican critics that she based her decision not to seek an independent counsel on the advice of career Justice Department attorneys. But Mr. LaBella, her top attorney and a career federal prosecutor, was frequently excluded from meetings concerning the appointment with Ms. Reno and other Justice Department executives, several officials said.

A senior Justice Department official, speaking on behalf of Attorney General Reno, challenged that characterization but said he couldn't rule out that Ms. Reno had discussed the fund-raising inquiry outside of Mr. LaBella's presence.

Ms. Reno relied heavily on advice from attorneys assigned to the criminal division's public-integrity section who specialize in election-law violations and the independent counsel law. But those lawyers often refused to talk with Mr. LaBella and senior FBI agents assigned to the inquiry, and the relationship between the two sides was tense. Memos prepared by the public-integrity lawyers for Ms. Reno sometimes didn't mention important evidence, prompting Mr. LaBella to prepare his own reports detailing all information developed by the Justice task force.

Complicating matters further was the role of Deputy Attorney General Eric Holder. Mr. Holder played an important role in Mr. LaBella's installation as head the task force in September 1997 and is widely credited with revitalizing the probe. Senior officials said Mr. Holder privately told Mr. Freeh and other top FBI officials last year that he supported an independent counsel. But an official familiar with his thinking said the comment was made in an offhand way.

Mr. Holder believes the appointment would be helpful because controversy over the campaign-finance inquiry was hurting morale at the Justice Department. He had supported an independent counsel prior to and just after being named deputy attorney general.

Tomorrow's testimony by Messrs. Freeh and LaBella likely will increase pressure on Ms. Reno, but she has been unfazed by the prospect. Democrats have accused Rep. Dan Burton, chairman of the House committee investigating fund-raising activities, of improperly pressing Ms. Reno.

But GOP Sen. Orrin Hatch of Utah and Republican Rep. Henry Hyde of Illinois, the respective heads of the Senate and House judiciary committees, have demanded copies of Mr. LaBella's report. Mr. Hatch said yesterday that Ms. Reno's persistence in refusing to seek an outside prosecutor could eventually force her resignation.

ATTACHMENT F

Democrat Fund-Raiser Said to Detail China Tie

NYT MAY 15 1998

This article is based on reporting by Jeff Gerth, David Johnston and Don Van Natta and was written by Mr. Gerth.

WASHINGTON, May 14 — A Democratic fund-raiser has told Federal investigators he funneled tens of thousands of dollars from a Chinese military officer to the Democrats during President Clinton's 1996 re-election campaign, according to lawyers and officials with knowledge of the Justice Department's campaign finance inquiry.

The fund-raiser, Johnny Chung, told investigators that a large part of the nearly $100,000 he gave to Democratic causes in the summer of 1996 — including $80,000 to the Democratic National Committee — came from China's People's Liberation Army through a Chinese lieutenant colonel and aerospace executive whose father was Gen. Liu Huaqing, the officials and lawyers said.

General Liu was then not only China's top military commander but also a member of the leadership of the Communist Party.

Mr. Chung said the aerospace executive, Liu Chao-ying, told him the source of the money. At one fund-raiser to which Mr. Chung gained admission for her, she was photographed with President Clinton.

A special adviser to the White House counsel, Jim Kennedy, said today, "We had no knowledge about the source of Mr. Chung's money or the background of his guest. In hindsight it was clearly not appropriate for Chung to bring her to see the President."

Mr. Chung's account, coupled with supporting documents like bank records, is the first direct evidence obtained by the Justice Department that elements of the Chinese Government made illegal contributions to the Democratic Party. Under American law, foreign governments are prohibited from contributing to political campaigns.

While the amount described is a tiny part of the $194 million that Democrats raised in 1996, investigators regard the identification of Ms. Liu as a breakthrough in their long search for confirmation of a "China Plan." The hunt was prompted after American intelligence intercepted telephone conversations suggesting that Beijing considered covertly influencing the American elections.

Senator Fred Thompson, Republican of Tennessee and chairman of the Senate committee investigating campaign finance, sought evidence of the plan, but Mr. Chung's account did not come until the committee issued its report this year. Tonight, the Federal Bureau of Investigation briefed Senate staff members about Mr. Chung's cooperation, according to officials.

Mr. Chung, a Southern California businessman, began cooperating with investigators after he pleaded guilty in March to campaign-related bank and tax fraud. He is the first defendant in the Justice Department inquiry to agree to cooperate.

It is not clear whether other Chinese officials or executives were involved in the purported payments by Ms. Liu, or what her motivation or the Chinese military's might have been. At the time, President Clinton was making it easier for American civilian communication satellites to be launched by Chinese rockets, a key issue for the Chinese army and for Ms. Liu's company, which sells missiles for the military and also has a troubled space subsidiary.

The President's decision was valuable to Ms. Liu because it enabled her company to do more business with American companies, but it had also been sought by American aerospace corpora-

Continued on Page A20

Fund-Raiser Is Said to Tell of Donations From China Military to Democrats

Continued From Page A1

tions, including Loral Space and Communications and the Hughes Electronics Corporation, a subsidiary of the General Motors Corporation, seeking to do more business in China. It is not known, however, whether anyone in the Democratic Party or the Clinton Administration had reason to suspect the source of the contributions from Mr. Chung.

A lawyer for Mr. Chung, Brian A. Sun, declined to comment on his client's conversations with investigators, citing his client's sealed plea agreement with the Justice Department. "I'm shocked that sources at the Justice Department would attribute anything like that to my client."

Mr. Chung has denied being an agent of the Chinese Government. "Nor did Mr. Chung ever try to lobby the American Government on any type of issue involving technology or anything else," Mr. Sun said.

A National Security Council spokesman, Eric Rubin, said, "It is ludicrous to suggest there was any influence on the determination of U.S. policy on this matter." He said he did not know whether any executives from Ms. Liu's company expressed an interest in the issue.

Ms. Liu did not return a message left with her office today.

Mr. Chung's revelations have opened an avenue of inquiry leading in a diplomatically sensitive direction: next month, Mr. Clinton goes to Beijing, where he hopes to announce increased space cooperation between China and the United States.

A representative of the Chinese Government denied that Beijing was behind the purported contributions. "China has always abided by the laws and regulations in this country," said Yu Shu-ning, a press counselor for the Chinese Embassy. "We have nothing to do whatsoever with political contributions in this country."

Mr. Chung, an American who was born in Taiwan, owned a floundering facsimile company in Torrance, Calif. He became involved with the Democratic Party in early 1995 through Asian-American contacts at the White House and was known for trying to use his connections in Washington with Chinese Government officials and executives.

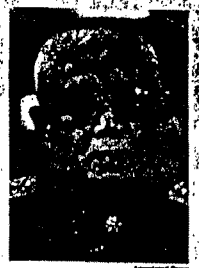
Despite being labeled a "hustler" by one Presidential aide in 1996, Mr. Chung managed to visit the White House at least 49 times. He and his company contributed $366,000 to the Democratic National Committee — most of it before he met Ms. Liu. The full amount was later returned after questions were raised about Democratic fund-raising.

A Democratic National Committee spokesman, Richard W. Hess, said, "We did not know and had no way of knowing the source of his funds."

Mr. Chung met Ms. Liu in June 1996 in Hong Kong. She was not only a lieutenant colonel in the military, but a senior manager and vice president in charge of international trading for China Aerospace International Holdings Ltd., according to the company's 1996 annual report.

The company is the Hong Kong arm of China Aerospace Corporation, a state-owned jewel in China's military industrial complex with interests in satellite technology, missile sales and rocket launches.

Ms. Liu's father, General Liu, was China's senior military officer, and as vice chairman of the powerful Central Military Commission was in charge of China's drive to modernize the People's Liberation Army by selling weapons to other countries and using the hard currency to acquire Western technology. In that role, he oversaw his country's missile deals.



Associated Press



Reuters

Johnny Chung, right, has reportedly said that he funneled money from the daughter of Gen. Liu Huaqing of China, left, to Democrats.

In addition, General Liu was a member of the Standing Committee of the Politburo of the Communist Party, the very top circle of political leadership in China. He retired from his official positions last fall at the time of the Party's 15th Congress.

China Aerospace sells satellites, launches them and owns a large part of a Hong Kong satellite operator, but the financial viability of many of these ventures depends on American satellites. In 1998 President Clinton made it easier for American satellites to be launched by Chinese rockets. The decision was announced in March but due to delays did not take effect until election day.

As Ms. Liu began her relationship with Mr. Chung, her company and her father were trying to fix China's troubled rocket program. That spring, China Aerospace had brought in outside experts, including officials from Hughes and Loral to help analyze why a launch the previous February had failed. The Pentagon later concluded that the outside review harmed American national security by advancing China's rocket and missile capabilities. Both companies denied wrongdoing.

In 1991 and 1993 the United States barred all American companies from doing business with two China Aerospace units that had made illegal missile sales to Pakistan. In each instance, Ms. Liu was assistant to the president of the sanctioned company.

Writing about who in China may have benefited from the 1991 missile deal, former Secretary of State James A. Baker 3d, in his memoirs, said, "In all probability, several senior government and party officials or their families stood to gain from the performance of these contracts."

The missile deals were part of General Liu's strategy of selling Chinese weapons to other countries to raise money to acquire Western technology.

"Liu was a proponent of P.L.A. modernization who was very much interested in obtaining Western technology," said retired Rear Adm. Eric A. McVadon, the American defense attache in Beijing in the early 1990's. He said Mr. Liu constantly rebutted American concerns about China's weaponry sales.

Those concerns were front and center in 1996, when General Liu was still in charge of the P.L.A. They included China's sale of missiles to Iran and of nuclear equipment to Pakistan, as well as its own bellicose military maneuvers near Taiwan.

Ms. Liu, Mr. McVadon recalled, was a "gladhander" who "brokered deals." In 1996 she was granted a visa to visit the United States as a representative of a China Aerospace subsidiary.

At the first meeting between Mr. Chung and Ms. Liu in June 1996, Mr. Chung is said to have told investigators, Ms. Liu told him she was interested in again visiting the United States. Soon learning that Mr. Chung could arrange meetings with the President, she expressed an interest in meeting Mr. Clinton.

Mr. Chung helped Ms. Liu obtain a visa on July 11, 1996, according to a law-enforcement official. Five days later, he wrote the Democratic National Committee that he wanted to bring Ms. Liu and a Chinese medical executive to a July 22 fund-raising dinner to be held at the Brentwood, Calif., home of the financier Eli Broad.

Both of his guests' names were placed on the guest list after Mr. Chung wrote a check for $46,000 to the Democratic National Committee on July 18. A week later, Mr. Chung set up a California corporation for Ms. Liu and himself, records show.

Ms. Liu arrived in Los Angeles on July 21, and the next day Mr. Chung accompanied her to two fund-raising events with Mr. Clinton, according to a law-enforcement official. The first was an early evening $1,000-a-plate gala at the Beverly Hilton.

Later that night, Mr. Chung and Ms. Liu attended a $25,000-per-couple dinner at Mr. Broad's home that raised more than $1.2 million for the Democrats. The President was photographed with Ms. Liu, a routine courtesy at such events.

Mr. Sun, Mr. Chung's lawyer, said, "I don't think she was any different from any of his business contacts in they thought Johnny was influencing and someone they would like to know as they furthered their business dealings in the United States."

The previous year, photos from another Chung visit with Mr. Clinton had caused a problem. The President had expressed concerns about some of Mr. Chung's Chinese business contacts — unrelated to Ms. Liu — whom the fund-raiser brought in a March 1996 radio address by Mr. Clinton.

Mr. Clinton's director of Oval Office operations, Nancy Hernreich, in testimony taken by Senate investigators, said Mr. Clinton told her later the visit shouldn't have happened. She took that to mean that Mr. Clinton thought Mr. Chung's clients were "inappropriate foreign people."

ATTACHMENT G

Chung Ties China Money To DNC

Documents Support Story, Officials Say

By Roberto Suro *and* Bob Woodward
Washington Post Staff Writers

Democratic fund-raiser Johnny Chung has told Justice Department investigators that a Chinese military officer who is an executive with a state-owned aerospace company gave him $300,000 to donate to the Democrats' 1996 campaign, according to federal officials who said that financial records back up key aspects of his account.

Chung's allegations, first reported in the New York Times yesterday, are being treated by the Justice Department as a major development in its 18-month investigation of whether the Chinese government attempted to influence the 1996 election with illegal campaign contributions, the officials said. For the first time, investigators have what appears to be a direct money trail from the Chinese government to Democratic campaign coffers, but the officials emphasized that numerous questions about Chung's activities remain unanswered.

Once described as a "bimbo" by an official at the National Security Council, Chung visited the White House 49 times between 1994 and 1996 and attended numerous Democratic fund-raising events, sometimes accompanying Chinese business executives who were photographed with President Clinton or first lady Hillary Rodham Clinton. He donated $366,000 to the Democratic National Committee for the 1996 election, all of which has since been returned.

In March, Chung reached a plea bargain with federal prosecutors in which he admitted to making illegal campaign contributions and began cooperating with investigators. The officials said he subsequently claimed he received the $300,000 for Democratic campaigns in the summer of 1996 from Liu Chao-Ying, an officer in China's People's Liberation Army and executive with China Aerospace, Beijing's state-run rocket manufacturing company. It is unclear, how-

See CHUNG, A6, Col. 1

Fund-Raiser Tells Probers Chinese Donated Money to DNC

CHUNG, From A1

ever, how much of that money actually went toward campaign contributions. Sources note that the alleged payments from Liu to Chung appear to have come after he had made many of his donations to the DNC.

The Justice Department investigation has no evidence suggesting that any officials either at the White House or the DNC were aware of the source of Chung's money or that Chung ever explicitly attempted to influence any administration policy decisions, investigators said.

"We had no knowledge about the source of Mr. Chung's funds or the background of Liu Chao-Ying," White House spokesman [illegible] Kennedy said yesterday. He [illegible]e was not aware of any contact between Chung and anyone in the White House regard[illegible]ng.

[illegible]ction records show that Chung made contributions totaling $100,000 to the DNC and $14,000 to other Democratic committees between June and September of 1996. On July 21, 1996, Liu and Chung attended a Los Angeles fund-raiser where Liu was photographed with Clinton, as is common practice with guests at such events.

Liu and Chung set up a business, Maxwell Investment Inc. in Torrance, Calif., together on Aug. 9, 1996, and according to sources familiar with their dealings, it was at that time that substantial amounts of money were transferred from Liu to Chung. Only $47,000 of Chung's campaign donations were made after they set up their company, according to election records.

Liu is the daughter of a powerful, now-retired general in the Chinese army, Liu Huaqing, and exercised considerable influence herself as an executive of the state-owned company that sells and launches rockets and satellites.

Chung's revelations have added new fuel to the Justice Department inquiry into the alleged plan by China to influence U.S. elections and revived demands by Republican leaders for an independent counsel investigation of the campaign finance scandal.

On Capitol Hill, Sen. Fred D. Thompson (R-Tenn.), who denounced alleged Chinese involvement in the U.S. election but was unable to bring out direct evidence of it during hearings last year by his Senate Governmental Affairs Committee, claimed vindication in the news of Chung's charges.

"The new information shows that the 'China Plan' the committee investigated last year was carried out in some form," said Thompson, who along with other senior legislators was briefed by the FBI on Chung's allegations this week.

"This really is a very big matter. The need for an independent counsel to investigate the campaign finance scandal has been clear for some time, and this puts the icing on the cake," said Sen. Arlen Specter (R-Pa.), who is a member of the Senate Judiciary Committee.

Since 1996 federal law enforcement and intelligence agencies have been investigating intercepted communications and other indications that Chinese government officials conceived a plan to spend at least $2 million to influence U.S. elections, allegedly by channeling the money through foreign corporations into political campaigns.

When Thompson earlier this year issued a report on his committee's investigation, Chung was not cited among the Democratic fund-raisers who were suspected of acting as conduits for Chinese government money, and officials familiar with Chung's account note that he did not make the allegations involving Liu in his initial plea deal with the Justice Department two months ago.

As they have analyzed Chung's account in recent days, Justice Department officials have urgently queried the CIA and the National Security Agency to comb their records for any information regarding Chung that might have been overlooked.

Officials familiar with the evidence in Chung's case said that neither Chung nor Liu had been major figures in the "China plan" investigation, but that the information Chung is now providing tended to corroborate certain evidence already gathered in the probe.

Chung's attorney, Brian Sun, had no comment yesterday regarding Chung's communications with the Justice Department.

FOR MORE INFORMATION

To read profiles of Chung and other key players in the fund-raising probe, click on the above symbol on the front page of The Post's Web site at www.washingtonpost.com

ATTACHMENT H

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On WashingtonPost.com
A four-part Washington Post series details the recent fund-raising frenzy.

On the Web
The Federal Election Commission offers an online guide to federal campaign finance law.
The DNC recently announced voluntary restrictions on foreign contributions.

Editor's Note: One of these links will take you out of The Post's Web site. To return, use the Back button on your browser.

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Chinese Embassy Role in Fund-Raising Probed

By Bob Woodward and Brian Duffy
Washington Post Staff Writers
Thursday, February 13, 1997; Page A01

A Justice Department investigation into improper political fund-raising activities has uncovered evidence that representatives of the People's Republic of China sought to direct contributions from foreign sources to the Democratic National Committee before the 1996 presidential campaign, officials familiar with the inquiry said.

Sensitive intelligence information shows that the Chinese Embassy on Connecticut Avenue NW here was used for planning contributions to the DNC, the sources said. Some information was obtained through electronic eavesdropping conducted by federal agencies.

The information gives the Justice Department inquiry what is known as a foreign counterintelligence component, elevating the seriousness of the fund-raising controversy, according to some officials.

The sources declined to provide details about the scope of the evidence relating to the alleged efforts by the Chinese representatives. They also declined to specify what foreign contributions might have been involved, but they said the new evidence now being scrutinized in the inquiry is serious.

A Chinese Embassy spokesman denied yesterday that his government had anything to do with improper efforts to influence the administration. "We have done nothing of that sort," the spokesman said.

White House press secretary Michael McCurry said yesterday that "to the best of my knowledge, no one here had any knowledge of" the allegations concerning the Chinese. He said the White House would have no further comment.

The evidence relating to the Chinese government led Justice Department lawyers and FBI executives to increase the number of FBI special agents working on a special investigative task force from a handful to 25, including several specialists in foreign counterintelligence investigations, sources said. Laura Ingersoll, a Justice Department attorney assigned a leading role on the fund-raising task force, has security clearances to investigate a variety of sensitive intelligence matters, officials said.

The new dimension to the fund-raising investigation could result in Attorney General Janet Reno eventually recommending that the matter be turned over to an independent counsel, according to one well-placed source. Reno so far has declined requests for an independent counsel, saying that the Justice Department task force can conduct a full and independent inquiry and that there is no specific and credible allegation of wrongdoing against any of the senior executive branch officials covered by the Independent Counsel Act. Such a finding would have to be made by the Justice Department task force before Reno could recommend appointment of an independent counsel.

Washington and Beijing have been at odds over human rights and trade issues, but the

Clinton White House has been seeking recently to improve relations. Secretary of State Madeleine K. Albright is traveling to Beijing later this month, and President Clinton announced in his State of the Union message that he also would visit. He has extended an invitation to Chinese President Jiang Zemin to come to Washington.

The Chinese effort to win influence with the Clinton administration can be traced to 1993, one source said. During the Reagan and Bush administrations, the Chinese government felt comfortable dealing with Washington. During the 1992 presidential campaign, authorities in Beijing spoke openly about wanting Bush to win reelection because he was an "old friend" of China. Clinton had criticized the Bush administration during the campaign for "coddling" Beijing and giving China most-favored-nation trade status after the 1989 crackdown in Tiananmen Square.

After Clinton defeated Bush, Chinese officials were uncertain about how to deal with the new administration, officials said, even though as president, Clinton essentially adopted the Bush policy toward Beijing. The Chinese Foreign Ministry has long urged the leadership in Beijing to increase its lobbying efforts in Washington, arguing that China has lagged behind Taiwan and Israel in trying to influence U.S. policy.

Some investigators suspected a Chinese connection to the current fund-raising scandal because several DNC contributors and major fund-raisers had ties to Beijing. Last February, Charles Yah Lin Trie, a fund-raiser for the Democratic National Committee, used his influence with party officials to bring Wang Jun, head of a weapons trading company owned by the Chinese military, to a White House coffee with Clinton.

Wang also heads a prominent, state-owned investment conglomerate. Clinton has since said he should not have met with Wang, and $640,000 in checks that Trie delivered to president's legal defense fund has been returned because of questions about the source of the funds.

Another reason investigators suspected a Chinese connection was the role of John Huang, a former Commerce Department official and DNC fund-raiser now at the center of the campaign controversy. An American citizen born in China and raised in Taiwan, Huang has said he now has no friends or relatives in China. But Huang is a former executive of the Lippo Group, a highly profitable Indonesian conglomerate owned by the Riady family, who are ethnic Chinese. Lippo has extensive interests in China, including approval to build a power plant in Fujian Province, Huang's place of birth.

In 1993, Lippo sold 50 percent of its holdings in one of its banks, Hong Kong Chinese Bank -- where Huang was a vice president in the mid-1980s -- to a corporation run by the Chinese government.

Huang was not the only Lippo executive to get a job with the Clinton administration. In December 1994, U.S. Trade Representative Mickey Kantor named Lippo's president of securities, Charles De Queljoe, to the Investment and Services Advisory Committee. Huang had sought jobs at the State Department and the National Security Council staff for De Queljoe, a big Democratic giver, in an early 1993 letter to the White House.

Last month, Rep. Gerald B.H. Solomon (R-N.Y.), chairman of the House Rules Committee, asked FBI Director Louis J. Freeh to investigate Huang and the Lippo Group, with an eye to "potential economic espionage against the United States by a foreign corporation having direct ties to the People's Republic of China."

Solomon said then that he was concerned about Huang's access to intelligence information and dozens of calls Huang made from Commerce to the Lippo Group. He also asked Freeh to investigate apparent discrepancies in the birth date listed on Huang's visa application forms and his government employment forms.

Huang was employed at Lippo for nine years before he joined the Commerce Department as deputy assistant secretary for international economic policy. His severance package from Lippo totaled $788,750.

Huang was given a top-secret clearance at Commerce after what Republicans have called a lax background investigation. Despite Huang's extensive ties to Lippo, the background investigation was limited to his activities in the United States because he had lived here for more than five years. Commerce officials now say they wish a foreign background check had been done, even though it was not required.

In preparation for his job at Commerce, Huang received an interim security clearance while he was still working at Lippo. But Commerce Department officials said that did not entitle him to see any classified information, and they maintain he saw none. Because of a bureaucratic error, the officials said, Huang retained his top-secret clearance after he left the Commerce Department to become a DNC vice chairman in December 1995.

During his 18 months at Commerce, Huang was scheduled to attend 37 intelligence briefings, including briefings on China, and saw more than two dozen intelligence reports.

From his Commerce Department office, Huang made more than 70 phone calls to a Lippo-controlled bank in Los Angeles. The calls are now being scrutinized by the Justice Department task force.

Huang's message slips from the Commerce Department also show a call from one Chinese Embassy official in February 1995 and three calls from the embassy's commercial minister in June and August of that year.

According to Huang's Commerce Department desk calendar entries, obtained by The Washington Post, he had three meetings scheduled with Chinese government officials. He was slated to go on a U.S. government-sponsored trip to China in June 1995 that was canceled. He attended a policy breakfast at the Chinese Embassy in October 1995 and a dinner there the same month, his calendar shows.

One of the many unexplained records from Huang's files shows an unusual travel pattern in the fall of 1995. His expense account records show he left his Commerce Department office to visit the Indonesian Embassy on Massachusetts Avenue NW on Oct. 11, claiming a $5 reimbursement for taxicab fare. The expense records indicate Huang did not return to his office at Commerce until the following day -- when he took another $5 cab ride, not from the Indonesian Embassy but, according to his records, from the "residence of the Chinese ambassador."

Staff writers Susan Schmidt, Sharon LaFraniere and Lena H. Sun, special correspondent Anne Farris and research assistant Jeff Glasser contributed to this report.

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ATTACHMENT I

FBI Had Overlooked Key Files In Probe of Chinese Influence

By Bob Woodward
Washington Post Staff Writer

The FBI has acknowledged overlooking key intelligence information gathered as far back as 1991 that investigators believe shows further Chinese government efforts to buy political influence in the United States, senior U.S. government sources said yesterday.

Attorney General Janet Reno learned of the new evidence on the night of Nov. 5. A senior Justice Department official said Reno was "livid" at the FBI foul-up and two days later apologized to Sen. Fred D. Thompson (R-Tenn.) for failing to disclose information that was germane to Senate hearings into campaign fund-raising abuses. Thompson had suspended his committee's hearings Oct. 31.

FBI Director Louis J. Freeh, who also apologized to Thompson, has replaced the senior FBI official overseeing the bureau's investigation into suspected Chinese influence buying, officials said.

The newly discovered intelligence, much of it culled from electronic surveillance conducted by the FBI and other U.S. agencies over the past six years, includes evidence of the magnitude and means by which Beijing hoped to influence U.S. elections, several officials said. The evidence also shows links between the Chinese government and several U.S. citizens, including a Democratic fund-raiser in Los Angeles whom several officials characterize as an "agent" for the Chinese. Officials would not provide details of the highly classified intelligence.

These developments come only two months after Reno, vowing "to make sure that no stone is left unturned," ordered a major Justice Department shake-up and replaced the head of a department task force looking into campaign finance violations. The continuing series of Justice missteps demonstrates "remarkable incompetence," one senior government official said, and is likely to increase Republican pressure on Reno to seek the appointment of

■ *Attorney general extends probe of Interior Secretary Babbitt.* *Page A22*

See FBI, A19, Col. 1

Acknowledges Overlooking Key Intelligence Files in Probe of Chinese Influence

FBI, From A1

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come so serious that Reno has directed her inspector general to determine why critical information in FBI counterintelligence files failed to reach the task force or Senate committee. Reno also placed Deputy Attorney General Eric H. Holder Jr. in charge of supervising the task force with instructions to determine whether additional undisclosed intelligence information remains in FBI files.

The belatedly discovered files indicate that Maria Hsia—a Taiwanese American immigrant who for a decade has raised money for Democratic causes—was "doing the bidding" of Beijing as a Chinese agent, a senior official said.

Hsia became significantly involved in Democratic Party fund-raising in 1988 with James Riady, a wealthy Indonesian businessman who once lived in California and whose Lippo Group has been at the center of inquiries over the past year into campaign finance irregularities. Hsia, 45, set up an Asian American fund-raising group called the Pacific Leadership Council with Riady and John Huang, later a Democratic National Committee fund-raiser. The two largest recipients of PLC money in the 1990 election cycle were then-Sens. Albert Gore Jr. (D-Tenn.) and Paul Simon (D-Ill.).

In a 1988 interview with the National Journal, Hsia explained her political activism: "The Jews have a very strong voice, and they talk about Israel. I feel like the Asian community doesn't have a voice."

Hsia worked closely with Huang and was co-chair with him of an April 1996 luncheon attended by Vice President Gore at the Hsi Lai Buddhist temple in California. The event raised about $140,000 for the DNC, but investigators subsequently concluded that much of the money was donated through straw donors used to disguise the origin of the money.

Nancy Luque, Hsia's attorney in Washington, said yesterday, "It is absolutely not true and even ludicrous to suggest she is or was an agent of the Chinese government in any way, shape or form."

Since news reports early this year first disclosed a Justice Department investigation into suspected Chinese influence buying, officials in Beijing have repeatedly denied—both publicly and in private talks with U.S. officials—any effort to funnel campaign contributions into American political races. Federal law prohibits donations from foreign sources.

President Clinton last weekend said Chinese President Jiang Zemin "emphatically denied to me personally that their government had tried to do anything to influence the outcome of this election."

The Hsia evidence came to light only after Freeh canvassed all FBI field offices in September and ordered a "meticulous review of all file holdings in the FBI's possession that bear on attempts by the PRC [People's Republic of China] to influence U.S. political elections." Last night, the FBI issued a statement saying that FBI counterintelligence files are "voluminous," consisting of "raw, uncorroborated intelligence that requires significant analysis before the information is appropriate for dissemination."

Freeh's order turned up other previously undisclosed leads from FBI files, including reports considered reliable but unconfirmed that Huang, while serving as a senior Commerce Department official in the Clinton administration, passed a classified document to the Chinese government. Huang has previously denied any improper links to the Chinese government or other foreign capitals, and officials said the FBI has been unable to find a copy of the document or even confirm its existence.

Freeh's directive also produced intelligence that the Chinese government planned to use joint business ventures with U.S. companies and others to raise money that could be funneled into U.S. political campaigns. Other newly uncovered reports also suggest that the Chinese government planned to spend more than the previously reported $3 million to influence U.S. political campaigns, according to U.S. officials.

Fragmentary intelligence also indicated that the Chinese wanted to funnel money directly to the Clinton-Gore campaign, which legally could receive only contributions from U.S. citizens of $1,000 or less, officials said.

Officials this week were quick to point out that the new discoveries will not necessarily lead to criminal charges. Nor have investigators established whether Chinese money was actually funneled to specific political campaigns.

The most likely immediate fallout from the discoveries appears to be further erosion of Justice Department and FBI credibility.

Although Reno has repeatedly pledged over the past year that the campaign finance investigation would be comprehensive and aggressive, the probe has been marked by embarrassing fits and starts. On Sept. 3, for example, Reno began a preliminary investigation of Gore's telephone solicitations for campaign money, but only after learning from a newspaper that federally regulated money had been raised in the calls.

On Sept. 16, she replaced the task force chief after the FBI failed to report intelligence it had in its files for two years to the Senate committee. That intelligence said that Los Angeles businessman Ted Sioeng was a suspected agent of the Chinese government, a charge that Sioeng has denied through a lawyer.

Last night, White House counsel Charles F.C. Ruff said he was unaware of any new discoveries in FBI files or of Reno's apology to Thompson. "The story is news to me on every front," Ruff said.

In an interview last night, Thompson said he had accepted the apologies from Reno and Freeh. He said his committee would retain jurisdiction on the Chinese connection and continue investigating vigorously. But he declined to say whether public hearings will resume.

Upon opening his Senate Governmental Affairs Committee hearings in July, Thompson publicly charged that China had planned to buy influence in U.S. elections, although he noted that the information came from sensitive intelligence which might never be revealed.

Subsequently, Democratic members of the committee acknowledged that sensitive intelligence showed a Chinese plan in 1995 and 1996 to buy influence in U.S. congressional races through campaign contributions.

After Thompson announced two weeks ago that he was suspending his public hearings, officials said, the FBI obtained intelligence showing that the Ministry of State Security in Beijing—the Chinese equivalent of the CIA—boasted it had been successful in "thwarting" the congressional inquiry

Staff writer Jacqueline L. *Harris and* *[illegible] contributed to*

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

August 6, 1999

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

Dear Mr. Chairman:

This is in further response to your letter of July 8, 1999, and in partial response to your letter of August 3, 1999. Your letters requested that the Department provide to you DEA documents relating to Orlando Castro Llanes, Charles Intriago, and information about DEA policies regarding confidential sources. On June 21, we provided the Committee documents that are responsive to the Orlando Castro Llanes and Charles Intriago matters.

We regret that the material we previously provided about NADDIS did not meet the Committee's needs. This is one reason that we invited Committee staff to meet with DEA representatives on July 13 and provided the staff with access to NADDIS materials. As DEA representatives explained, NADDIS is used as a pointer system of unverified intelligence, not evidence. During the meeting, Committee staff also were provided with a copy of the June 9, 1992 Declaration of former DEA Administrator Robert C. Bonner, which we thought would be helpful in explaining the NADDIS system. Also, there is a system to track access to NADDIS.

DEA has provided the following information in response to your particular questions about DEA policies:

1. **Under what circumstances can the identity of a confidential informant be disclosed to a news media organization?**

Absent a written waiver from a Confidential Source (CS), DEA policy is that his/her identity will not be released. Even when refusal to identify a CS at trial jeopardizes a significant investigation, DEA can recommend dismissal of the case to avoid disclosure (Agents Manual 6612.34). Justice Department regulations (28 CFR 16.26) prohibit disclosure of the identity of a confidential source by an agency unless the Deputy Attorney General specifically approves such a disclosure after determining that the administration of justice requires disclosure, or the CS waives confidentiality and authorizes disclosure.

2. Under what circumstances may the identity of a confidential informant be released to non-law enforcement representatives of a foreign government?

DEA Policy does not make exception for release of the identity of a CS to non-law enforcement representatives of a foreign government (this is the same answer as in question #1).

3. Assuming there is a DEA policy regarding the release of information covered by Questions 1 and 2, does the same policy apply to past and present sources of information?

DEA's policy does not distinguish between past and present CS's, and does not release information concerning the identity of past or present CS's without a waiver.

4. What is the policy for confirming and denying the existence of an ongoing investigation to the public?

DEA's policy, as a general rule, is that the existence of an ongoing investigation is neither confirmed nor denied. However, under certain unique circumstances, when the public interest in the operations of the government outweigh the potential for the compromise of an investigation or protections under the Privacy Act, DEA may make a disclosure. However, this is done within the constraints of Department of Justice Guidelines (29 CFR 50.2).

5a. Does the policy covered by question 4 differ if the investigation is closed?

Closed investigations do not get as much protection under the Freedom of Information (FOI) Act 5 USC 552. It is therefore possible that more information would be released if an FOI request is made regarding a closed investigative file. However, this would not apply to the release of the identity of subjects, suspects, or other persons identified in the file, as protected by the Privacy Act.

5b. Does it differ if the investigation is not active?

DEA does not make a distinction between active and non-active investigations for the purpose of releasing investigative information.

6. What is the policy on allowing DEA employees to testify in civil proceedings in State or Federal court relating to their work as a DEA agent?

In federal or state cases in which the United States is not a party, DEA employees are not permitted to disclose DEA information without prior approval of a DOJ official, in accordance with the provisions in 28 CFR 16.21-29.

I hope that this information is helpful. Please feel free to contact us if we can be of any further assistance on this matter.

Sincerely,

Jon P. Jennings
Acting Assistant Attorney General

cc: The Honorable Henry A. Waxman
Ranking Minority Member

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ROBERT E. WISE, JR., WEST VIRGINIA
MAJOR R. OWENS, NEW YORK
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GARY A. CONDIT, CALIFORNIA
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CAROLYN B. MALONEY, NEW YORK
ELEANOR HOLMES NORTON,
DISTRICT OF COLUMBIA
CHAKA FATTAH, PENNSYLVANIA
ELIJAH E. CUMMINGS, MARYLAND
DENNIS J. KUCINICH, OHIO
ROD R. BLAGOJEVICH, ILLINOIS
DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
HAROLD E. FORD, JR., TENNESSEE

BERNARD SANDERS, VERMONT,
INDEPENDENT

August 10, 1999

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Re: Sentencing of John Huang and Charlie Trie

Dear General Reno:

As you know, on July 15, 1999, I wrote to U.S. District Court Judge Richard A. Paez and U.S. District Court Judge George Howard, Jr., the sentencing judges for John Huang and Yah Lin "Charlie" Trie, requesting a delay in the sentencing for Mr. Huang and Mr. Trie. At the same time, I wrote to you and requested that the Justice Department work with this Committee to obtain the testimony of Huang and Trie prior to sentencing. Since that time, both Judge Paez and Judge Howard have ordered delays in the sentencing proceedings. However, it appears that the Committee is not going to obtain any cooperation from the Justice Department. Justice Department staff have made it clear that they do not intend to ask either Huang or Trie to cooperate with the Committee's investigation, and will block any efforts by the Committee to obtain testimony from Huang or Trie prior to sentencing. The position enunciated by your staff fails to recognize the importance of Congress' oversight responsibilities, and I hope that once you are fully informed of the facts, you will reverse the position taken by your staff.

I am obviously very disappointed with the Department's decision. Mr. Huang's plea agreement requires him to "cooperate fully . . . with the United States, the Federal Bureau of Investigation ("FBI") and, as directed by the United States, with any other federal, state or local government agency" by, among other ways, "attend[ing] all meetings, interviews, grand jury sessions, trials and any other proceedings at which your presence is requested by this Office." Mr. Trie's plea agreement requires him to "fully cooperate with the United States," by, among other ways, "be[ing] available for interview upon reasonable request." As I have explained in previous correspondence, the Department should use its authority under the plea agreements to require Huang and Trie to cooperate with the Committee. If Huang or Trie refuse to do so, the Department could request the defendants' sentencing judges to take this lack of cooperation into account.

The Department has decided not to request that either Huang or Trie cooperate with Congress, despite the fact that the Committee has been conducting an active investigation of both defendants for over two years, and has frequently assisted the Department's investigation, providing valuable leads and even criminal referrals to the Department. This failure to cooperate with the Committee shows an alarming disregard for the Constitutional prerogatives of the Congress to conduct oversight. In discussing Congressional oversight authority, the Supreme Court has recognized that "[t]he scope of its power of inquiry . . . is as penetrating and far reaching as the potential power to enact and appropriate under the Constitution." Eastland v. United States Servicemen's Fund, 421 U.S. 491, 504 n.15 (1975). In Watkins v. United States, the Court held that "[t]he power of Congress to conduct investigations is inherent in the legislative process. That power is broad. It encompasses inquiries concerning the administration of existing laws as well as proposed or possibly needed statutes." 354 U.S. 178, 187 (1957). Despite the importance of Congress' oversight responsibility, the Department has decided not to ask Huang or Trie to cooperate with the Committee prior to his sentencing.

Most surprisingly, the Justice Department has failed to specify any caselaw or sound legal principles that support its decision. The likely reason for this failure is that no proper legal argument can be raised. The best that your staff could do was to raise two vague and conclusory arguments. First, they claimed that if you acceded to my request, many Congressional committees would want the Department's future cooperation in obtaining testimony prior to sentencing. Even assuming this speculation to be correct, there are several important reasons why the Department should assist this Congressional investigation in particular. First, the issue of improper foreign influence on American elections is a matter of the utmost national importance. Second, the Department's handling of this matter has led independent, non-partisan observers to call for Congressional intervention. As one such observer recognized earlier this week, "if there is any connection between Chinese money and cozy Clinton policy toward China, it's unlikely to be discovered as Justice lets the fundraisers off and removes their incentive to talk." Morton Kondracke, "GOP Should Launch New Probe of Reno's Wrist-Slaps on China," *Roll Call*, August 2, 1999. While I do not expect you to agree with these criticisms, I hope you would not wish to fuel them further by preventing the central witnesses from cooperating with Congress while they still have an incentive to cooperate.

The second explanation provided by your staff is equally unconvincing. The chief of your Campaign Financing Task Force compared my request to requests made of him in New Hampshire by parties in civil litigation. This comparison is insulting. As I explained above, Congress has a Constitutional responsibility to conduct oversight. In this case, the two central witnesses in the campaign fundraising investigation are refusing to cooperate with the Committee's investigation, while claiming to cooperate with the Justice Department's investigation. It is baffling that the Department would make these witnesses available to a state or local agency (as specifically contemplated by Mr. Huang's plea agreement) but it will not use its authority to have these witnesses cooperate with Congress, and help Congress fulfill its Constitutional obligations.

I am writing in the hope that you will reverse the unreasonable decision that has been made by your staff. If the Justice Department can make Mr. Huang and Mr. Trie available for testimony before sentencing, it will greatly assist the Committee's investigation, and allow the Committee to hear honest and complete testimony from the two central figures in the campaign fundraising investigation. Such testimony will serve the Committee well in fulfilling its work of the last two years, and its Constitutional duties. I request your immediate attention and response regarding this matter.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Richard A. Paez, United States District Judge
The Honorable George Howard, Jr., United States District Judge
David Vicinanzo, Esq., Supervising Attorney, Campaign Financing Task Force
Reid Weingarten, Esq., Counsel for Yah Lin Trie
Ty Cobb, Esq., Counsel for John Huang
The Honorable Henry A. Waxman, Ranking Minority Member

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

August 11, 1999

AUG 12 1999

The Honorable Dan Burton
Chairman, Committee on Government
Reform and Oversight
U.S. House of Representatives
Washington, DC 20515-6143

Dear Mr. Chairman:

This responds to your August 10, 1999, letter concerning the sentencing of John Huang, which Judge Paez has rescheduled for tomorrow, August 12. I want to clarify several misunderstandings suggested by your letter.

The Department respects the importance of the Committee's oversight responsibility. This is why we pushed for the earliest possible sentencing date for Mr. Huang and asked him to cooperate with the Committee. As discussed with your staff last week, his attorneys have indicated his intention to do so, consistent with his remaining rights because of the open matter relating to espionage and national security. They have indicated that they will work with the Committee as soon after the August 12 sentencing as reasonably feasible for all parties.

In addition, we asked Mr. Huang's attorneys if they would allow him to be interviewed by the Committee before he was sentenced. Their response was that the interview would be permitted prior to sentencing only if Mr. Huang received a grant of immunity from the Committee. The reason for this is that the plea and sentencing have not yet occurred. If for some reason it does not take place, or if Judge Paez were to refuse to accept it, any non-immunized statements made by Mr. Huang could be used directly or indirectly against him in a criminal prosecution. Moreover, if the Committee were to respond to Mr. Huang's assertion of his constitutional rights with a grant of immunity prior to plea and sentencing, he might then claim that the government was unable to prosecute him because of the Kastigar issues a premature immunity grant would create. (The Department set forth its position on this problem in a Sentencing Memorandum filed last week in the Huang matter, which we have provided to you.)

This is the same course we followed with other defendants who have testified before the Committee, including Johnny Chung. The only difference between Mr. Chung and the present matter is that we have been able to make Mr. Huang available in a more expedited fashion following his plea and sentencing. Mr. Chung pled guilty in March 1998, was sentenced in December 1998 and did not testify before the Committee until May 1999.

In response to your concern about the limitation in the plea agreement, it may be helpful to note that the agreement is between the defendant and the prosecutive arm of the Executive Branch of the United States Government. This is the common and accepted practice. Indeed, for several reasons, it is the only wise and workable practice. Numerous unintended and undesirable consequences would flow from the view that the term "United States" as used in a plea agreement connotes more than the prosecutive arm of the Executive Branch. For instance, if the term "United States" were construed to include the Legislative Branch in this context, a defendant would have a due process right to compel Congress to search its files and disclose potentially exculpatory or mitigating material pertaining to him or her (see Brady v. Maryland, 373 U.S. 83 (1963)), or material useful in impeaching the government's witnesses (see Giglio v. Unites States, 405 U.S. 150 (1972)).

In a related vein, I would like to respond to your statement that the Chief of the Campaign Finance Task Force compared your request to a request by parties in civil litigation. The context of the attorney's statement was that he was personally unfamiliar with an attempt by a congressional committee to ask the prosecutive arm of the Executive Branch to force a citizen to testify before Congress as part of a plea agreement in the criminal judicial process. He stated that the closest analogy he could think of was a situation, not uncommon, in which a corporation requests that the prosecution force a defendant to assist the corporation in the corporation's civil litigation, a request that is routinely rebuffed by prosecutors as a misuse of the prosecutive function in the criminal justice system. The point was made that plea agreements should be limited to requiring cooperation with law enforcement agencies for law enforcement purposes.

Any other practice might open the door to directing the considerable powers of prosecution toward means and ends beyond law enforcement within the criminal justice system. In fact, we are unaware of any instance in the past in which a defendant was required by the Department of Justice to testify before the Legislative Branch as a condition of a plea agreement.

Finally, you suggest that if Mr. Huang testifies after the prosecution is completed, you will not receive "honest and complete testimony." We would caution the Committee against prejudging Mr. Huang's testimony. Mr. Huang's testimony presumably will be public and under oath, subject to the laws against perjury just as with every witness, and the terms of his probation, if the Court imposes it tomorrow, include a duty to obey all laws. Accordingly, besides the threat of the false statement laws, Mr. Huang also has the added incentive to avoid violating his probation, which would send him back before the judge to face a term of incarceration. These are the same terms under which Johnny Chung testified before your Committee last May.

I hope that this information is helpful. Please do not hesitate to contact me if you would like additional assistance regarding this or any other matter.

Sincerely,

Jon P. Jennings
Acting Assistant Attorney General

cc: The Honorable Henry A. Waxman
Ranking Minority Member

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

August 18, 1999

Honorable Dan Burton
Chairman
Committee on Government Reform
U.S. House of Representatives
Washington, D.C. 20515-6143

Dear Mr. Chairman:

This responds to the Committee's subpoena, dated August 4, 1999, seeking all records concerning unauthorized disclosures of grand jury information relating to the Campaign Financing Task Force. From my discussions with Jim Wilson of your staff on August 9, 1999, I understand that the Committee has focused this request on any reports the Department has made to Chief Judge Johnson detailing possible Rule 6(e) disclosures.

There are two constraints on our ability to respond in detail to your subpoena request. First, as you know, providing the Committee with records recounting possible grand jury disclosures (and which themselves contain possible grand jury information) would itself be a potential violation of Rule 6(e). See In re Grand Jury Proceedings, Misc. No. 98-228, 1998 U.S.Dist. LEXIS 17290 (Sept. 25, 1998). Second, because grand jury material is statutorily protected by Rule 6(e), any submissions that the Justice Department may have made to the Chief Judge about potential disclosures of grand jury information would be made under seal.

We are, of course, anxious to comply with your subpoena request to the fullest extent allowable under the law. We believe we can satisfy your concerns without violating either Rule 6(e) or the sanctity accorded a document under seal by providing you the following information:

There have been four disclosures of material which could arguably fall within the scope of Rule 6(e) and which have occasioned communication between the Justice Department and the Chief Judge of the United States District Court for the District of Columbia (who is the presiding Judge on all grand jury matters in the District of Columbia).

On two occasions, internal documents which possibly come within the scope of Rule 6(e) were inadvertently attached to material faxed to your Committee. The first transmission was sent from the FBI's headquarters; the second was sent from the Main Justice building. In each instance, a request was made for return of the material. The Chief Judge was notified promptly once the Justice Department learned of the transmissions.

The Chief Judge was also notified when the Department learned that the State Department's Office of Inspector General had submitted to your Committee various documents collected during a joint State Department/Campaign Financing Task Force investigation.

The last matter concerning a potential Rule 6(e) violation brought to the attention of the Chief Judge arose in a very different context. The Campaign Financing Task Force had filed a brief in support of a motion to compel compliance with a grand jury subpoena. The brief, filed under seal, made reference to certain grand jury testimony. Chief Judge Johnson ruled that the reference itself violated Rule 6(e) because the government had not obtained an order from the court authorizing reference in the brief to the grand jury material.

I trust the information outlined above will satisfy the Committee's interests in this matter. Please contact me if I can be of further assistance.

Sincerely,

Jon P. Jennings
Acting Assistant Attorney General

cc: The Honorable Henry A. Waxman
Ranking Minority Member

DAN BURTON, INDIANA,
CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
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HELEN CHENOWETH, IDAHO

ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

MAJORITY (202) 225–5074
MINORITY (202) 225–5051
TTY (202) 225–6852

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER
TOM LANTOS, CALIFORNIA
ROBERT E. WISE, JR., WEST VIRGINIA
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HAROLD E. FORD, JR., TENNESSEE
JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

August 26, 1999

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Re: Committee Subpoena

Dear General Reno:

As you know, I issued a subpoena on July 29, 1999, for all records relating to the Justice Department's investigation of John Huang and Yah Lin "Charlie" Trie. Since that time, your staff has asked for guidance in narrowing the scope of that subpoena. Several times, my staff has informed your staff that the Department should begin its compliance with the subpoena by providing all FBI 302 forms, or other witness interviews from those two investigations. A review of the 302 forms will assist the Committee in determining what other records are needed as the Committee continues to conduct oversight of the Justice Department's handling of the investigation into illegal campaign fundraising.

To date, the Committee has not received any records in response to this subpoena. I would hope that the closing of the Huang case would facilitate the immediate compliance with the portion of the subpoena that calls for records relating to Mr. Huang. As you know, the Committee has received a number of 302s and other similar records from the Justice Department in the past, and I assume that we will continue to receive them in the future.

If you have any questions about this matter, please do not hesitate to contact the Committee's Chief Investigative Counsel, James C. Wilson, at 225-5074.

Sincerely,

Dan Burton
Chairman

DAN BURTON, INDIANA,
CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
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ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

MAJORITY (202) 225–5074
MINORITY (202) 225–5051
TTY (202) 225–6852

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JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

August 31, 1999

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Dear General Reno:

I write with respect to two matters relating to the Committee's oversight of the Department's campaign fundraising investigation.

On August 27, 1999, Committee staff interviewed FBI Agent Roberta Parker. Agent Parker informed Committee staff that she kept personal notebooks relating to her work on the campaign fundraising investigation. In approximately June 1999, at the request of the FBI, Agent Parker provided these notebooks to an FBI agent with the Campaign Financing Task Force. A number of weeks later, Agent Parker asked to get her notebooks back so that she could prepare for her interview with the Committee. When she got her notebooks back, her notes from the period June 24, 1997, to July 17, 1997, were missing. This period of time is the most important to the Committee's current oversight, and the notes provide corroboration for Agent Parker's recollection. Agent Parker knows that the notes were complete when she provided them to the Task Force, and that the relevant pages were removed while in the custody of the Department or the FBI.

As Agent Parker has described them to the Committee, her notes are responsive to two different Committee subpoenas – the subpoena dated June 4, 1999, for all records relating to the Charlie Trie search warrant, and the broader July 29, 1999, subpoena for all records relating to the Trie investigation. It appears that Agent Parker's notes have not been produced to the Committee in the Department's earlier document productions. If they have been produced to the Committee, they have not been produced in any manner that identifies Agent Parker as their author. I hope that the Department will locate these records, and provide them to the Committee and Agent Parker at once.

I also make a separate request, that two Justice Department personnel be made available to the Committee for interviews. During the course of the Committee's oversight of the Department's campaign fundraising investigation, a number of questions

have arisen regarding the supervision provided to that investigation by Laura Ingersoll and Lee Radek. It has now become necessary to interview Ms. Ingersoll and Mr. Radek about a number of matters relating to the Department's investigation. The Committee is attempting to proceed in this manner expeditiously, so I would appreciate Ms. Ingersoll and Mr. Radek being made available to the Committee within the next week.

Please have your staff contact the Committee's Chief Investigative Counsel, James C. Wilson, to arrange a time for the interviews.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

Subpena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To United States Department of Justice Serve: The Honorable Janet Reno

You are hereby commanded to produce the things identified on the attached schedule before the Full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building, in the city of Washington, on September 15, 1999, at the hour of 5:00 pm

To Kimberly Reed or US Marshals' Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 1st day of September, 19 99

Dan Burton
Chairman.

Attest:

Jeff Trandahl
by Theresa C. Vang *Clerk.*
Asst. to the Clerk

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Department of Justice
Serve: The Honorable Janet Reno
Attorney General
Department of Justice
10th and Constitution Avenues, N.W.
Washington, D.C. 20530

The Committee hereby subpoenas certain records. Please provide logs that indicate each record's Bates number, author, description, and source file. If you have any questions, please contact Senior Counsel Kristi Remington at (202) 225-5074.

Definitions and Instructions

1. For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

5. No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3½ inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

10. For purposes of this subpoena, the Department of Justice shall include the Office of the Pardon Attorney and the Bureau of Prisons.

11. For purposes of this subpoena "White House" refers to any and all employees, representatives, officers, contractors, volunteers, interns, agents and/or consultants, whether paid or unpaid, of the Executive Office of the President; the President; the Vice-President and his office; the First Lady and her office; the Office of National Security Affairs; the National Security Council; and any individual in the executive branch assigned to, or working at the White House, regardless of designation describing their service at the White House.

Subpoenaed Items

Please provide the Committee with the following:

1. All records relating to the August 11, 1999, Executive Grant of Clemency or remittance of fines for the following individuals:
   a. Elizam Escobar
   b. Ricardo Jimenez
   c. Adolfo Matos
   d. Dylcia Noemi Pagan
   e. Alicia Rodriguez
   f. Ida Luz Rodriguez
   g. Luis Rosa
   h. Carmen Valentin
   i. Alberto Rodriguez
   j. Alejandrina Torres
   k. Edwin Cortes
   l. Oscar Lopez-Rivera
   m. Juan Enrique Segarra-Palmer
   n. Antonio Camacho-Negron
   o. Roberto Maldonado-Rivera
   p. Norman Ramirez-Talavera

2. All records provided by the Bureau of Prisons to the Office of the Pardon Attorney, or any other office within the Department of Justice, relating to the individuals named in 1a - 1p.

3. All records provided by the Justice Department to the White House relating to the individuals named in 1a – 1p, including, but not limited to, any recommendations or reports on clemency.

Subpena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Director Louis Freeh - Federal Bureau of Investigation
935 Pennsylvania Ave, N.W.; Washington, D.C. 20535

You are hereby commanded to produce the things identified on the attached schedule before the Full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn House Office Building, in the city of Washington, on September 17, 1999, at the hour of 5:00 P.M.

To Kim Reed or the US Marshals'

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 1st day of September, 1999.

Dan Burton
Chairman.

Attest:

Jeff Trandahl
by Hermenegildo C. Vans
Asst. to the Clerk
Clerk.

Subpena for..Director.Louis.Freeh.....

Federal.Bureau.of.Investigation.....

935.Pennsylvania.Avenue,.N.W.....

Washington,.D.C.,.20535.....

before the Committee on the.....Government Reform

.....

.....

Served.....

.....

.....

.....

.....

.....

.....House of Representatives

SCHEDULE A

Subpoena Duces Tecum
Government Reform Committee
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Federal Bureau of Investigation
Serve: Director Louis Freeh
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions, please contact Senior Investigative Counsel Marc Chretien at (202) 225-5074.

Definitions and Instructions

(1) For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

(2) For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

(3) This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

(4) The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

(5) No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

(6) If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

(7) When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by data, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

(8) This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

Subpoenaed Items

Please produce to the Committee the following records relating to the 1993 siege at the Branch Davidian compound in Waco, Texas:

1. Any standard list of munitions or explosive devices, including tear gas, that was issued to the Hostage Rescue Team "HRT" in April, 1993.

2. All records relating to munitions or explosive devices, not included in the standard issue, that were issued to the HRT, from any source whatsoever, during the siege at the Branch Davidian compound.

3. All records relating to any munitions or explosive devices actually expended within one mile of the Branch Davidian compound.

4. All records identifying personnel who fired any "military style" tear gas canisters, including M-651 rounds, during the siege.

5. All records identifying personnel who fired any form of tear gas or "ferret rounds' during the siege.

6. All records identifying personnel who fired any weapons from a helicopter or any other aircraft within one mile of the Branch Davidian compound.

7. All records, excluding press briefings and press releases, relating to briefings given by the FBI relating to the siege at the Branch Davidian compound in Waco, Texas, including all records identifying personnel giving and receiving such briefings.

8. All records identifying the personnel involved in placing audio surveillance devices at the compound, both before and during the siege.

9. All records relating to contacts between the FBI and the White House relating to the siege at the Branch Davidian compound in Waco, Texas, from April 5, 1993 through April 20, 1993.

10. All records relating to contacts between the FBI and the Department of Defense relating to the siege at the Branch Davidian compound in Waco, Texas, from April 5, 1993 through April 20, 1993.

11. All records relating to infrared imagery and subsequent analysis regarding the siege at the Branch Davidian compound in Waco, Texas.

Subpena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To ...Attorney General Janet Reno - U.S. Department of Justice.....
Tenth Street and Constitution Avenue, N.W.; Washington, D.C. 20530

You are hereby commanded to produce the things identified on the attached schedule before the Full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn House Office Building, in the city of Washington, on September 17, 1999, at the hour of 5:00 p.m.

To Kim Reed or the US Marshals

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 1st day of September, 19 99

Dan Burton
Chairman.

Attest:

Jeff Trandahl
by Gerasimos C. Vans *Clerk.*
Asst. to the Clerk

Subpena for..Attorney..General..Janet..Reno
U.S. Department of Justice
..Tenth Street and Constitution Avenue, N.W.
..Washington,..D.C...20530.....
before the Committee on the...Attorney General
.....
.....

Served.....
.....
.....
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.....

.....
.....House of Representatives

SCHEDULE A

Subpoena Duces Tecum
Government Reform Committee
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

United States Department of Justice
Serve: Attorney General Janet Reno
Tenth Street & Constitution Avenue, N.W.
Washington, D.C. 20530

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform and Oversight hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions, please contact Senior Investigative Counsel Marc Chretien at (202) 225-5074.

Definitions and Instructions

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(8) This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

Subpoenaed Items

I. Please produce to the Committee all records from and to the Department of Justice ("DOJ") Command Center from April 10, 1993 until April 19, 1993 relating to the Waco standoff, including, but not limited to, written documents, local and long distance records, facsimiles, e-mail and any and all forms of electronic transmissions.

II. Please produce the following to the Committee:

a. All standard lists of munitions or explosive devices, including tear gas, that were issued to the Hostage Rescue Team ("HRT") in April, 1993.

b. All records relating to munitions or explosive devices, not included in the standard issue, that were issued to the HRT, from any source whatsoever, during the siege at the Branch Davidian compound.

c. All records relating to any munitions or explosive devices actually expended within one mile of the Branch Davidian compound.

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g. All records, excluding press briefings and press releases, relating to briefings given by the FBI regarding the siege at the Branch Davidian compound in Waco, Texas, including all records identifying personnel giving and receiving such briefings.

h. All records identifying personnel involved in placing audio surveillance devices at the compound, both before and during the siege.

i. All records relating to contacts between the DOJ and the White House relating to the siege at the Branch Davidian compound in Waco, Texas, from April 5, 1993 through April 20, 1993.

j. All records relating to contacts between the FBI and the Department of Defense relating to the siege at the Branch Davidian compound in Waco, Texas, from April 5, 1993 through April 20, 1993.

k. All records relating to infrared imagery and subsequent analysis regarding the siege at the Branch Davidian compound in Waco, Texas.

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Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

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INDEPENDENT

September 2, 1999

Faith Burton
Office of Legislative Affairs
Department of Justice
Room 1603
Constitution Avenue, N.W.
Washington, D.C. 20530

Dear Ms. Burton:

I am writing regarding our conversation of today in which we discussed the subpoena issued by the Committee on Government Reform to the Department of Justice on September 1, 1999. That subpoena requested records relating to the 16 prisoners granted clemency by the President on August 11, 1999. I expressed the Committee's interest in obtaining relevant documents on an expedited basis. As I understand it, the Department may raise issues regarding the production of some responsive documents. However, I believe we agreed that the Department would make an effort to produce documents not subject to any privileges as soon as possible.

I appreciate your assistance in this matter. I will contact you early next week to discuss the status of the subpoena. If you have any questions, please contact me at (202) 225-5074.

Sincerely,

Kristi L. Remington

Kristi L. Remington
Senior Counsel

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BERNARD SANDERS, VERMONT,
INDEPENDENT

September 7, 1999

Director Louis Freeh
Federal Bureau of Investigation
935 Pennsylvania Avenue N.W.
Washington, D.C. 20535

Re: Requests Relating to the Waco Matter

Dear Director Freeh:

Committee staff recently met with John Collingwood and a number of FBI staff who provided an initial analysis of video footage of the assault of the Branch Davidian compound in Waco, Texas. At the conclusion of that meeting, it was agreed that I would send a letter to you requesting detailed analysis of several allegations raised in the course of the video footage. In addition, I have a number of questions relating to the Waco assault to which I would appreciate answers.

A. Video Analysis

Please provide a detailed analysis of the following portions of the documentary film reviewed by FBI staff:

1. At counter 1:54:12, there is a segment regarding alleged gunfire from a helicopter into the Branch Davidian compound. Please provide an analysis of all footage of the helicopter, and if possible, explain whether there were any shots fired from the helicopter.

2. At counter 1:59:05, there is a segment regarding alleged gunfire into the compound by figures that allegedly came out of an armored vehicle. Please provide an analysis of all FLIR footage shown in this segment.

3. At counter 2:00:20, there is a segment regarding alleged gunfire into the dining area of the Branch Davidian compound from the courtyard. Please provide an analysis of all FLIR footage shown in this segment.

4. At counter 2:16:09, there is a segment regarding alleged gunfire into the rear of the gymnasium of the Branch Davidian compound. Please provide an analysis of all FLIR footage shown in this segment.

5. At counter 2:20:39, there is a segment regarding a hole in the roof of the bunker structure in the Branch Davidian compound. Please provide an analysis of all footage of this hole, including the allegations that it was created by an explosive.

B. Additional Questions Regarding the Waco Matter

In addition, there are a number of other questions raised by the review of the video footage at the FBI headquarters.

1. How many infrared cameras were used to take FLIR footage at Waco, and what platforms were they mounted on?

2. What was the approximate altitude of the platform used to shoot the FLIR footage in the documentary reviewed by FBI and Government Reform Committee staff?

3. Were any "flash-bang" grenades used by the FBI on April 19, 1993, or at any other point during the siege of the Branch Davidian compound? Were they issued to any FBI personnel present at the compound?

4. There is an allegation that empty shell casings were found at the "Sierra One" sniper position. Were empty shell casings found there? If so, what was the source of the shell casings?

5. Please provide the names of all personnel inside of the helicopter identified as "Falcon 2" on the morning of April 19, 1993.

6. In addition, if there are any preexisting analyses of the FLIR footage or other video footage identified in this letter, they should be produced to the Committee pursuant to the Committee's earlier subpoenas.

I appreciate the assistance that you have provided to the Committee's investigation. Please provide a response to these requests as soon as possible. If you have any questions about this matter, please contact the Committee's Chief Counsel, James C. Wilson at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman, Ranking Minority Member

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BERNARD SANDERS, VERMONT,
INDEPENDENT

September 7, 1999

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Re: Grant of Immunity for John Huang

Dear General Reno:

I am writing to formally request your opinion on a grant of immunity by the Committee on Government Reform to John Huang.

As you know, the Committee and the American people have waited for a long time to hear testimony from Mr. Huang. When subpoenaed by this Committee in 1997, Mr. Huang invoked his Fifth Amendment rights. More recently, in 1999, Mr. Huang began cooperating with the Justice Department's campaign fundraising investigation. In August, Mr. Huang entered a guilty plea, and received a sentence of probation from Judge Richard Paez. As you know, I attempted to delay Mr. Huang's sentencing because I believed that once he was sentenced, Mr. Huang would be less likely to cooperate with the Committee's investigation. You resisted my repeated requests, insisting that sentencing would not affect Huang's cooperation with the Committee. You also claimed that as soon as Huang was sentenced, you would help the Committee obtain testimony from Mr. Huang.

In a letter dated July 29, 1999, Acting Assistant Attorney General Jon Jennings wrote that "[a]t the time when immunity would no longer threaten substantial harm to the criminal investigation, the Department will withdraw our objection to the Committee seeking a grant of immunity for Trie and Huang." In a filing dated August 4, 1999, Justice Department lawyers told Judge Paez that:

> [a]fter defendant Huang has been sentenced, the United States will request defendant Huang's attendance at Committee hearings. Moreover, defendant Huang has represented to the government that he will agree to testify before the Committee at that time. However, since defendant Huang's plea agreement leaves open the possibility of subsequent

> prosecutions for violations of espionage and national security statutes, he will obviously retain a Fifth Amendment right with respect to questions in this area, even after his guilty plea and sentencing.

Most recently, in a letter dated August 11, 1999, Acting Assistant Attorney General Jennings stated that:

> [t]he Department respects the importance of the Committee's oversight responsibility. This is why we pushed for the earliest possible sentencing date for Mr. Huang and asked him to cooperate with the Committee. As discussed with your staff last week, his attorneys have indicated his intention to do so, consistent with his remaining rights because of the open matter relating to espionage and national security. They have indicated that they will work with the Committee as soon after the August 12 sentencing as reasonably feasible for all parties.

Mr. Huang has been sentenced by Judge Paez, and his case is now closed. Given these repeated assurances from the Justice Department, it is reasonable to expect that the Justice Department will now make every effort to assist the Committee in obtaining a grant of immunity for Mr. Huang. In an effort to bring Mr. Huang's testimony to the public as soon as possible, the Committee is scheduling a vote on this matter for Thursday, September 16. Therefore, please respond to this request by September 10, 1999.

In addition to requesting the Justice Department's opinion on a grant of immunity to Mr. Huang, this letter serves as formal notice under 18 U.S.C. § 6005(b)(3) that the Committee may proceed to request such an order for Mr. Huang. In addition, this letter serves as a request that the Department of Justice waive its rights under 18 U.S.C. § 6005(c) to request a deferral of the district court's order granting immunity to Mr. Huang.

Please have your staff contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074, if you have any questions or need any additional information about this matter.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member
All Members, Committee on Government Reform

DAN BURTON, INDIANA,
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BERNARD SANDERS, VERMONT,
INDEPENDENT

September 8, 1999

The Honorable Janet Reno
Attorney General
Department of Justice
10th and Constitution Avenues, N.W.
Washington, D.C. 20530

Dear Attorney General Reno:

As you are aware, on September 1, 1999, the Committee on Government Reform issued a subpoena to the Department of Justice for records relating to the August 11, 1999 executive grant of clemency to 16 individuals. Although the Committee, as a matter of courtesy, allowed two weeks for the production of materials, my staff contacted the Office of Legislative Affairs to request that any responsive materials be produced on an expedited basis. Your staff agreed that the Department would make an effort to produce documents not subject to any privileges as soon as possible.

In an effort to set a date certain, I request that you produce responsive documents by Friday, September 10, 1999. If the Department plans on claiming any privileges, please inform the Committee by that date.

Sincerely,

Dan Burton
Chairman

DAN BURTON, INDIANA
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GREG WALDEN, OREGON
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PAUL RYAN, WISCONSIN
JOHN T. DOOLITTLE, CALIFORNIA
HELEN CHENOWETH, IDAHO

ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

MAJORITY (202) 225–5074
MINORITY (202) 225–5051
TTY (202) 225–6852

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RANKING MINORITY MEMBER
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ROBERT E. WISE, Jr., WEST VIRGINIA
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JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

September 9, 1999

The Honorable Louis J. Freeh
Director
Federal Bureau of Investigations
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535-0001

Dear Director Freeh,

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform and Oversight is conducting an inquiry into the August 11, 1999, executive grant of clemency to 16 individuals. My staff has been in contact with your Office of Congressional Affairs regarding relevant records the FBI may have in its possession. However, I would like to make a formal request for relevant materials for the record. Therefore, the Committee hereby requests that you produce the following records:

1. All recommendations relating to grants of clemency for the following individuals:
   a. Elizam Escobar
   b. Ricardo Jimenez
   c. Adolfo Matos
   d. Dylcia Noemi Pagan
   e. Alicia Rodriguez
   f. Ida Luz Rodriguez
   g. Luis Rosa
   h. Carmen Valentin
   i. Alberto Rodriguez
   j. Alejandrina Torres
   k. Edwin Cortes
   l. Oscar Lopez-Rivera
   m. Juan Enrique Segarra-Palmer
   n. Antonio Camacho-Negron
   o. Roberto Maldonado-Rivera
   p. Norman Ramirez-Talavera

2. All reports or analysis of FALN activities in the United States or Puerto Rico.

Please produce any responsive documents by Friday, September 10, 1999. If the Department of Justice prohibits you from producing any such documents, please notify me immediately. If you have any questions, please contact me or have your staff contact Senior Counsel Kristi L. Remington. Thank you for your assistance in this matter.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman

DAN BURTON, INDIANA,
CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
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BERNARD SANDERS, VERMONT,
INDEPENDENT

September 10, 1999

Jon Jennings
Acting Assistant Attorney General
Legislative Affairs
Department of Justice
10th and Constitution Avenues, N.W.
Washington, D.C. 20530

Dear Jon:

I write to memorialize our conversation of today. The Committee would like a representative of the Department of Justice to brief Committee staff on the general process of requesting and granting clemency. We would like to know the roles of the Pardon Attorney, Department of Justice, Offices of the U.S. Attorney, Bureau of Prisons, Federal Bureau of Investigation, the White House, as well as any other agency or individuals involved. In addition, we would like to be briefed on the process by which the 16 individuals granted clemency on August 11, 1999, requested and received clemency.

Sincerely,

James C. Wilson
Chief Counsel

DAN BURTON, INDIANA,
CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
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BERNARD SANDERS, VERMONT,
INDEPENDENT

September 10, 1999

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Re: Subpoenaed Documents Relating to Waco

Dear General Reno:

On September 1, 1999, I issued a subpoena for a number of Justice Department documents relating to the Waco matter. Yesterday, the Justice Department produced the first set of documents responsive to the subpoena. One of the documents in that production raises serious new questions regarding the Department's mishandling of the Waco matter.

The Department has produced to the Committee a September 2, 1999, memo from James G. Touhey, Jr., an attorney in the Department's Torts Branch, to Jeffrey Axelrad, the Director of the Torts Branch. In the memo, Mr. Touhey indicates that he had reviewed a 49-page FBI Laboratory Report and discovered that it mentioned a "fired U.S. Military 40mm shell casing which originally contained a CS gas round." Mr. Touhey, and a colleague at the Torts Branch, Marie Hagen, then determined that the Justice Department possessed multiple copies of the memo, most of which contained all 49 pages. Mr. Touhey then determined, though, that four copies of the document, including the one produced to Congress, did not have the last page of the report, which happened to be the one page mentioning the spent pyrotechnic round. The memo concludes that "it appears that the page on which mention is made of a shell casing for a military CS round and the expended tear gas projectiles was not produced to Congress."

I am, of course, alarmed by this development. It is difficult for me to believe that the Department had multiple copies of a document, produced only one copy of the document to Congress, and then managed to lose the one critical page of the document mentioning the use of pyrotechnic tear gas. Had page 49 of the FBI report been produced to Congress when it was originally requested years ago, it would have cast doubt onto the testimony of a number of Department officials. The Department's failure to produce this

document when it was originally requested raises more questions about whether this Committee was intentionally misled during the original Waco investigation.

I would also note that the Department has still failed to comply with my September 1, 1999, subpoena. The Committee has not yet received a complete copy of the FBI Laboratory Report as it exists in the Department's files. The subpoena requires the production of "any and all originals and identical copies" of the report. Mr. Touhey's memo states that "our database contains multiple copies of the document, most of which contain all 49 pages." I expect that the Department will produce to the Committee all copies of the Laboratory Report, along with a log indicating who possessed copies of the report. In addition, in an effort to discover who at the Department was responsible for this obvious failure, I would like to schedule the following Department employees for interviews: Jeffrey Axelrad, James Touhey, and Marie Hagen. Please make these Department personnel available within the next week.

In conclusion, I have noted with some alarm the heavy-handed tactics employed by the Justice Department in sending U.S. Marshals to take possession of videotapes from the FBI. This tactical show of force – apparently done for the benefit of the media – was followed by statements from yourself and President Clinton that cast aspersions on the Director of the FBI. Now, I learn that at the same time, Justice Department employees had in their possession multiple copies of a document which clearly shows that the FBI did in fact inform the Justice Department of the use of military style tear gas canisters.

You have repeatedly blamed others for the Justice Department's failings in the Waco matter. However, it is clear that you are ultimately responsible for the Department's serious mistakes in this case. Your mishandling of the investigation can be traced to your first internal review of Waco, conducted by Edward S.G. Dennis. While you frequently point to Mr. Dennis' conclusions clearing the Department of any wrongdoing, Mr. Dennis has admitted that his report "was not intended to be a comprehensive, all-encompassing report." When I first read this statement by Mr. Dennis, I could not help but ask why the Attorney General would tolerate a report that was not comprehensive or all-encompassing. I am looking forward to the day when a complete and comprehensive review is conducted. However, it is clear that at the present time, your Justice Department is still engaged in the misleading, politically-motivated behavior that has characterized your handling of the Waco matter.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

September 10, 1999

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

Dear Mr. Chairman:

This is in response to your letter of September 7, 1999 requesting the Department's opinion on the Committee seeking immunity for John Huang pursuant to 18 U.S.C. § 6005. As you know, in return for his guilty plea, the Department has agreed not to prosecute Mr. Huang for any criminal offenses except for any relating to espionage or national security. Accordingly, Mr. Huang's testimony before the Committee could not subject him to prosecution for crimes related to campaign financing and he should not need immunity before testifying about campaign financing issues.

Based on our discussions with your staff, we understand that it is precisely on campaign finance issues that the Committee wants to question Mr. Huang. In an effort to help the Committee obtain that testimony from Mr. Huang, the Department wrote to Mr. Huang's attorney on September 3, 1999 to urge him to cooperate with the Committee's investigation of campaign financing issues. We have no reason to believe that Mr. Huang will refuse to answer the Committee's questions on those issues.

As we have repeatedly informed the Committee, however, under the plea agreement the government retains the right to prosecute Mr. Huang for espionage and national security violations if the evidence so warrants. Consequently, Mr. Huang could assert his right under the Fifth Amendment not to answer any question whose answer could incriminate him for an espionage or national security violation. As stated in our letters to the Committee on July 29 and August 11, 1999, if Mr. Huang were compelled to testify under a grant of immunity about matters that incriminated him for espionage or national security violations, the government could be permanently barred from prosecuting him for those offenses. See Kastigar v. United States, 408 U.S. 931 (1972); United States v. North, 920 F.2d 940 (D.C. Cir.), cert. denied, 500 U.S. 941 (1990); and United States v. Poindexter, 951 F.2d 369 (D.C. Cir. 1991), cert. denied, 506 U.S. 1021 (1992). Accordingly, the Department could support the Committee's request that the court grant Mr. Huang immunity only if the Department were prepared to abandon the possibility of prosecuting him for espionage or national security violations.

Based on discussions with the Federal Bureau of Investigation (FBI), the Department has determined that it cannot do so at this time. The FBI has informed the Department that granting immunity to Mr. Huang in the near future could threaten substantial harm to the investigation that the Campaign Financing Task Force is conducting. The Department and its FBI component therefore oppose granting Section 6005 immunity to Mr. Huang at this time and will not waive their rights under Section 6005(c). The FBI has authorized me to inform the Committee that it anticipates completing the present phase of the investigation within 60 days from today's date. At that time, the Department and FBI will be able to advise the Committee on whether more time is needed to complete the investigation.

I want to assure you that this decision was reviewed at the highest levels of both the FBI and the Department and was made solely to protect the ongoing investigation. We hope that the Committee recognizes that the Department and Bureau must carry out their mandate to enforce the criminal laws. We further hope that the Committee decides not to take an action that could substantially harm the pending investigation, particularly when the Department and FBI may be in a better position to discuss immunity in a relatively short time.

Please do not hesitate to contact me if I may provide you with additional information.

Sincerely,

Jon P. Jennings

Jon P. Jennings
Acting Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

DAN BURTON, INDIANA,
CHAIRMAN
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Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

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BERNARD SANDERS, VERMONT,
INDEPENDENT

September 14, 1999

Ken Ballen
Minority Chief Investigative Counsel
House Government Reform Committee
Washington, D.C. 20515

Re: Draft Hearing Subpoena

Dear Ken:

Over the past several days, we have been working with the Justice Department to determine who the Department wishes to provide as a witness at Thursday's FALN hearing. To date, the Department has provided conflicting information regarding who is handling the FALN matter. We have already informed you of the Chairman's intent to issue a subpoena to Craig Iscoe. We have now learned that the Department has asserted that Faith Burton, a subordinate of Acting Assistant Attorney General Jon Jennings, is handling the FALN matter. Accordingly, I am now informing you that the Chairman intends to issue a subpoena to Acting Assistant Attorney General Jon Jennings to attend the hearing on September 16, 1999.

Please let me know if you have any questions regarding this matter.

Very truly yours,

James C. Wilson
Chief Counsel

Subpena to Testify (Hearing)

By Authority of the House of Representatives of the Congress of the United States of America

To Jon Jennings, Acting Assistant Atty. General

You are hereby commanded to be and appear before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, in Room 2154 of the Rayburn Building, in the city of Washington, on September 16, 1999, at the hour of 10:00 am, then and there to testify touching matters of inquiry committed to said Committee; and you are not to depart without leave of said Committee.

To Kimberly Reed

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 14th day of September, 1999

Dan Burton

Chairman.

Attest:

Jeff Trandahl

Clerk.

Subpena for Jon Jennings, Acting Asst. Attorney General

Department of Justice

Washington, DC 20530

before the Committee on the Government Reform

Served on Jon Jennings by Kimberly Reed on Sept. 15, 1999 at 12:10pm at DOJ.

Jon P. [illegible]

House of Representatives

GPO: 1990 31-287 (m)

Subpena to Testify (Hearing)

By Authority of the House of Representatives of the Congress of the United States of America

To Neil Gallagher, Assistant Director for National Security, FBI

You are hereby commanded to be and appear before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, in Room 2154 of the Rayburn Building, in the city of Washington, on September 16, 1999, at the hour of 10:00 am, then and there to testify touching matters of inquiry committed to said Committee; and you are not to depart without leave of said Committee.

To Kimberly Reed

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 14th day of September, 1999

Dan Burton

Chairman.

Attest:

Jeff Trandahl

Clerk.

Subpena for Neil Gallagher

FBI - 935 Pennsylvania Ave., NW

Washington, DC 20535-0001

before the Committee on the Government Reform

Served on Bob Walsh on
9/14/99 at 4:35 pm
for Neil Gallagher by
Kimberly Reed @ 2154 Rayburn
FBI Legislative Counsel

House of Representatives

GPO: 1990 31-267 (m)

Subpena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Federal Bureau of Investigation Serve: Louis Freeh

You are hereby commanded to produce the things identified on the attached schedule before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building, in the city of Washington, on September 29, 1999, at the hour of 5:00 pm

To Kimberly Reed or US Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 15th day of September, 19 99

Dan Burton
Chairman.

Attest:

Clerk.

Subpena for...Federal Bureau of Investigation

Serve: Louis Freeh

935 Pennsylvania Ave., NW

Washington, DC 20535

before the Committee on the..Government Reform

Served.....

.....House of Representatives

SCHEDULE A

Subpoena Duces Tecum
Government Reform Committee
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Federal Bureau of Investigation
Serve: Director Louis Freeh
935 Pennsylvania Avenue N.W.
Washington, D.C. 20535

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions, please contact Chief Counsel James C. Wilson at (202) 225-5074.

Definitions and Instructions

(1) For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

(2) For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

(3) This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

(4) The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

(5) No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

(6) If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

(7) When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by data, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

(8) This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

Subpoenaed Items

Please provide all records relating to the use of aircraft, helicopters, or armored vehicles by any agency or personnel of the federal or state governments at the siege of the Branch Davidian compound in Waco, Texas in 1993.

Subpena to Testify (Hearing)

By Authority of the House of Representatives of the Congress of the United States of America

To Jon Jennings, Acting Asst. Attorney General

You are hereby commanded to be and appear before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, in Room 2154 of the Rayburn Building, in the city of Washington, on September 21, 1999, at the hour of 1:00 pm, then and there to testify touching matters of inquiry committed to said Committee; and you are not to depart without leave of said Committee.

To Kimberly Reed

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 16th day of September, 1999

Dan Burton

Chairman.

Attest:

Jeff Trandahl

Clerk.

Subpena for Jon Jennings, Acting Asst. Attorney General

Department of Justice

Washington, DC 20530

before the Committee on the Government Reform

Served

House of Representatives

GPO: 1990 31-267 (m)

Subpena to Testify (Hearing)

By Authority of the House of Representatives of the Congress of the United States of America

To Neil Gallagher, Assistant Director for National Security, FBI

You are hereby commanded to be and appear before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, in Room 2154 of the Rayburn Building, in the city of Washington, on September 21, 1999, at the hour of 1:00 pm, then and there to testify touching matters of inquiry committed to said Committee; and you are not to depart without leave of said Committee.

To Kimberly Reed

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 16th day of September, 19 99

Dan Burton

Chairman.

Attest:

Kevin Randall

Clerk.

Subpena for Neil Gallagher

FBI - 935 Pennsylvania Ave., NW

Washington, DC 20535-0001

before the Committee on the Government Reform

Served

House of Representatives

GPO: 1990 31-267 (m)

Subpena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To .....Department of Justice...Serve:...The Honorable Janet Reno.....

You are hereby commanded to produce the things identified on the attached schedule before the .....full..... Committee on .....Government Reform..... of the House of Representatives of the United States, of which the Hon. ....Dan Burton..... ..... is chairman, by producing such things in Room ....2157..... of the .....Rayburn..... Building ....., in the city of Washington, on .....September 23, 1999.., at the hour of .....5:00 pm.....

To ..Kimberly Reed or US Marshals Service.....

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this ....16th..... day of ....September....., 19...99..

.....Dan Burton.....
Chairman.

Attest:

.....Jeff Trandahl.....
Clerk.

Subpena for...Department of Justice...Serve: The Honorable Janet Reno

...Department of Justice.....

....10th and Constitution Ave., NW.....

...Washington, DC 20530.....

before the Committee on the..Government. Reform

.....

.....

Served.....

.....

.....

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.....

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.....House of Representatives

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Department of Justice
Serve: The Honorable Janet Reno
Attorney General
Department of Justice
10th and Constitution Avenues, N.W.
Washington, D.C. 20530

The Committee hereby subpoenas certain records. Please provide logs that indicate each record's Bates number, author, description, and source file. If you have any questions, please contact Senior Counsel Kristi Remington at (202) 225-5074.

Definitions and Instructions

1. For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

5. No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3½ inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

Please provide the Committee with the following:

1. All official requests for clemency made by or on behalf of the following individuals:
   a. Elizam Escobar
   b. Ricardo Jimenez
   c. Adolfo Matos
   d. Dylcia Noemi Pagan
   e. Alicia Rodriguez
   f. Ida Luz Rodriguez
   g. Luis Rosa
   h. Carmen Valentin

i. Alberto Rodriguez
j. Alejandrina Torres
k. Edwin Cortes
l. Oscar Lopez-Rivera
m. Juan Enrique Segarra-Palmer
n. Antonio Camacho-Negron
o. Roberto Maldonado-Rivera
p. Norman Ramirez-Talavera

2. All "threat assessments," reports, or memoranda on the Fuerzas Armadas de Liberacion Nacional, (Armed Forces of National Liberation or FALN) and the "Macheteros" prepared by the Federal Bureau Investigation, including any classified materials.

DAN BURTON, INDIANA,
CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. McHUGH, NEW YORK
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DAVID M. McINTOSH, INDIANA
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JOE SCARBOROUGH, FLORIDA
STEVEN C. LATOURETTE, OHIO
MARSHALL "MARK" SANFORD, SOUTH CAROLINA
BOB BARR, GEORGIA
DAN MILLER, FLORIDA
ASA HUTCHINSON, ARKANSAS
LEE TERRY, NEBRASKA
JUDY BIGGERT, ILLINOIS
GREG WALDEN, OREGON
DOUG OSE, CALIFORNIA
PAUL RYAN, WISCONSIN
JOHN T. DOOLITTLE, CALIFORNIA
HELEN CHENOWETH, IDAHO

ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

MAJORITY (202) 225–5074
MINORITY (202) 225–5051
TTY (202) 225–6852

HENRY A. WAXMAN, CALIFORNIA,
RANKING MINORITY MEMBER
TOM LANTOS, CALIFORNIA
ROBERT E. WISE, JR., WEST VIRGINIA
MAJOR R. OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
PATSY T. MINK, HAWAII
CAROLYN B. MALONEY, NEW YORK
ELEANOR HOLMES NORTON,
DISTRICT OF COLUMBIA
CHAKA FATTAH, PENNSYLVANIA
ELIJAH E. CUMMINGS, MARYLAND
DENNIS J. KUCINICH, OHIO
ROD R. BLAGOJEVICH, ILLINOIS
DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
HAROLD E. FORD, JR., TENNESSEE
JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

September 15, 1999

The Honorable Janet Reno
Attorney General of the United States
United States Department of Justice
Washington, D.C. 20530

Dear General Reno:

Tomorrow the Committee will conduct a hearing to examine terrorist activities of the F.A.L.N. group, and to discuss the offer to pardon 16 members of that group. We have subpoenaed a small number of documents pertinent to this case, and we have subpoenaed witnesses to appear at tomorrow's hearing. I write because I note with alarm the letters that you have had sent to Senators Coverdell and Hatch. In particular, you have seen fit to send letters on the evening before their hearings were scheduled to take place, and you have had your subordinate tell the Senators that you are still considering what to do.

As you are no doubt aware, only a claim of Executive Privilege can prevent Congress from receiving the documents and testimony we have subpoenaed. My staff has asked on an almost daily basis whether you have received instructions to claim this privilege on behalf of the President. My Chief Counsel was informed that the White House, at one point, failed to return the calls of the Justice Department. Perhaps this has changed. Nevertheless, I ask that you personally intervene and call the White House to resolve this issue. It is simply unacceptable to tell the Congress that the Department of Justice is considering what to do. You have had our subpoena for 14 days. This is not a complex issue so there is very little of a legal or Constitutional nature to discuss. If it is true that the White House was simply refusing to take your calls, so as to delay the decision making process, please call the President immediately and resolve this issue.

There have been numerous allegations that the pardons were, in the first place, given for political reasons. I ask in all sincerity that you do not contribute to the politicization of this issue by permitting your staff to frustrate the legitimate requests of my Committee. Congressional subpoenas have called for documents and witnesses and you have had ample time to arrive at a decision.

Unless we are told that the President of the United States has claimed Executive Privilege, and unless we have signed notification from the President that he has elected to claim Executive Privilege, I expect the Department of Justice to produce all documents subpoenaed by Congress, and I expect that Jon P. Jennings, Michael B. Cooksey, and Neil Gallagher will not be prevented from testifying. In the event that Executive Privilege is claimed, I still expect Mr. Gallagher, Mr. Cooksey, and Mr. Jennings to testify in order to answer questions unrelated to the pardon process.

As you know, these witnesses are under subpoena. They are legally required to appear at tomorrow's hearing. If the witnesses do not appear, I will schedule a contempt vote at the earliest possible date.

If your staff has any questions about these matters, do not hesitate to have them contact Chief Investigative Counsel James C. Wilson at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

cc: Jon P. Jennings, Acting Assistant Attorney General
Louis J. Freeh, Director, Federal Bureau of Investigation
Kathleen Hawk Sawyer, Director, Federal Bureau of Prisons

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

September 16, 1999

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

Dear Mr. Chairman:

This responds to the Committee's subpoena, dated September 1, 1999, which seeks production of records relating to the recent grant of clemency or remittance of fines for sixteen individuals.

We are pleased to provide documents responsive to item number two of the subpoena along with a log of the records by Bates stamp numbers. The documents include the judgment and commitment orders prepared by the courts, presentence reports prepared by the U.S. probation officers, who are employees of the courts, and progress reports prepared by the Bureau of Prisons. There also may be notices of action, issued by the U.S. Parole Commission, which are provided to the Bureau of Prisons in accordance with the Commission's usual practice regarding such documents. We are providing these records to the Committee pursuant to provisions of the Privacy Act, set forth at 5 U.S.C. 552a(b)(9) although we would be prohibited by the Act from publicly disclosing them. Since public disclosure of the records could adversely impact the privacy interests of individuals other than the sixteen FALN members, we urge the Committee to respect the confidentiality and not release the information in the records.

We also will provide you with additional material provided to the Department by attorneys for the FALN members. Additionally, we have a large number of letters from the public supporting the requests for clemency, which we are prepared to provide to the Committee if you would like them. Many of these letters are substantially identical. We suggest that Committee staff may first wish to review samples of them, which we would be happy to provide, in an effort to conserve taxpayer-funded resources.

The President has asserted executive privilege with respect to a set of documents consisting of (1) advice and other deliberative communications to the President regarding his clemency decision and (2) deliberative documents and communications generated within and between the Department of Justice and the White House in connection with the preparation of that advice. He has also asserted executive privilege with respect to testimony by Department officials concerning the deliberations in connection with the clemency decision. He has directed that the Department not provide those documents or any such testimony. Copies of his letter to

you and the Attorney General's letter to the President are enclosed for your convenience. We will provide you with a log of the documents that are subject to the executive privilege claim. The Department witnesses subpoenaed by the Committee plan to appear at the rescheduled hearing on Tuesday, September 21, to testify about matters not subject to the executive privilege claim.

We have not yet completed our search for responsive documents or our review of documents we have located, but will do so promptly. When that process is completed, we will provide you with all responsive documents except for any documents as to which the President may assert executive privilege. Please do not hesitate to contact me if you would like additional information regarding this or any other matter.

Sincerely,

Jon P. Jennings
Acting Assistant Attorney General

Enclosures

cc: The Honorable Henry Waxman
Ranking Minority Member

OFFICE OF SPECIAL COUNSEL

JOHN C. DANFORTH

Facsimile Delivery Instructions

This facsimile contains information which (a) may be LEGALLY PRIVILEGED, PROPRIETARY IN NATURE, OR OTHERWISE PROTECTED BY LAW FROM DISCLOSURE and (b) is intended only for the use of the Addressee(s) named below. If you are not the Addressee, or the person responsible for delivering this to the Addressee(s), you are hereby notified that reading, copying or distributing this facsimile is prohibited. If you have received this facsimile in error, please telephone us immediately and mail the facsimile back to us at the above address. Thank You.

FROM: Special Counsel John C. Danforth DATE: 9/17/99

MATTER NO: N00019

PLEASE DELIVER TO THE FOLLOWING:

TO:	Congressman Dan Burton	FAX NO:	202-225-3974
COMPANY:	United States Congress	PHONE NO:	202-225-2276

MESSAGE FROM SENDER **TOTAL NO. OF PAGES: 8 (including this page)**

TO SENDER:

Do you wish to have your copy returned?	☒ Yes	☐ No
Do you wish to be contacted when Fax is Sent?	☐ Yes	☒ No
Do you wish to have the confirmation sheet sent to you?	☐ Yes	☒ No
Do you wish to be contacted at your home/office if fax CANNOT be sent within one hour? Phone No:	☒ Yes	☐ No

If you do not receive all material, please call (314) 259-2736, or (314) 259-

OFFICE OF SPECIAL COUNSEL
JOHN C. DANFORTH

September 16, 1999

VIA FACSIMILE and U.S. MAIL

Honorable Walter S. Smith
U. S. District Judge
Western District of Texas
800 Franklin
Waco, TX 76701

Dear Judge Smith:

Thank you for taking the time yesterday to talk to Deputy Special Counsel Ed Dowd and chief of staff Tom Schweich relative to the status of the civil proceedings concerning the events occurring at the Mt. Carmel Compound at Waco, Texas in 1993. As you know, my staff consulted with both counsel for plaintiffs and defendants prior to making the call and sending this letter. We also understand that, by request of the parties to the lawsuit, you issued an order yesterday vacating the October 18 trial date.

We do not intend at this time to intervene formally in the proceedings before your Court unless you request or invite us to do so or the parties so insist, and we intend to keep counsel for both sides aware of our intentions with respect to *ex parte* communications relative to the status of our efforts.

In accordance with your discussions with my staff, I am requesting that you issue an order that (1) provides a 30-day stay of all discovery and witness interviews by the parties to the civil litigation, (2) requires the parties to give the Special Counsel 10 days notice prior to any witness interview or deposition that will occur after the 30-day period and to make witnesses available to my staff during the 10-day time period, and (3) requires the parties to give the Special Counsel 7 days notice prior to the review or change of custody of original documents or physical evidence so that my staff may observe any such activity.

With respect to the 30-day stay, I would like to explain the basis for this request. I was appointed as Special Counsel seven days ago. In order to get my office fully operational, I must (a) lease office space in St. Louis and Washington, D.C., (b) build out that space, (c) obtain furniture, phones, and computers, (d) put into place extensive security devices, (e) review several

hundred resumes, (f) hire a staff of highly qualified and motivated attorneys, investigators and support staff, (g) get that staff cleared for security purposes (which includes extensive paperwork and background checks), and (h) get the staff up to speed on the basic issues of the case and the witnesses whom we wish to interview. We are moving very rapidly relative to getting the office up and running and are already scheduling informational interviews with Congress, the parties to the litigation pending before Your Honor, and interested third parties. We do not envision, however, that we will be able to conduct detailed interviews of critical witnesses until mid-October. That is why we have requested the 30-day stay.

With regard to the notice of interviews and depositions that we are requesting, it is my firm belief that our inquiry will benefit by interviewing witnesses prior to their preparation for testimony in a civil trial. Because a civil trial inherently involves advocacy, testimony tends to be very well-rehearsed and coordinated with the testimony of other witnesses. This is not to suggest that counsel for either side would violate any of the Rules of Professional Conduct, but within the bounds of legal ethics, there is substantial room for extensive witness preparation and coordination. We would like to talk to the witnesses before such preparation occurs. We would prefer that sworn testimony under oath occur after we have a written report of the statements of such witnesses so that we may compare the sworn testimony with their statements to us. We have no doubt that we will be able to assess the credibility of the witnesses more effectively if they give their sworn testimony after we have interviewed them.

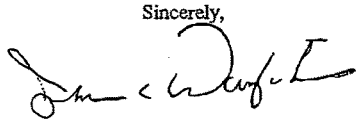
This process will also encourage the purpose of truth-seeking within your Court. Witnesses who are untruthful with our investigators, even in unsworn statements, are subject to prosecution under 18 U.S.C.§1001. While I have not invoked my prosecutorial powers at this time, I will do so if there is even the slightest indication that witnesses are being untruthful with respect to material matters that are within the scope of my investigation. The process I am requesting will, therefore, cause witnesses to "think twice" before considering even the slightest embellishment of the facts during proceedings before your Court.

Finally, we request notice from any party who intends to view original documents, audio or videotapes, and physical evidence. Our concerns in this regard are obvious. We wish to preserve both the integrity of the evidence and the chain of custody.

Thank you for your consideration of the interests of the Special Counsel. We encourage you to seek the input of the parties relative to the contents of this letter and assure you that we will engage in the minimum possible intrusion into the activities of the Court or counsel.

You may reach me or Mr. Dowd through my assistant Martha at 314-259-2980.

Sincerely,



JCD/cck
Enclosure

cc: Mr. Michael A. Caddell (via fax and mail)
Mr. Ramsey Clark (via fax and mail)
Mr. David W. Ogden (via fax and mail)

Office of the Attorney General
Washington, D. C. 20530

ORDER NO. 2256-99

APPOINTMENT OF SPECIAL COUNSEL TO INVESTIGATE
GOVERNMENT CONDUCT RELATIVE TO
CERTAIN EVENTS OCCURRING IN WACO, TEXAS

By virtue of the authority vested in me as Attorney General by law, including 28 U.S.C. §§ 509 and 510, in order to discharge my responsibility to provide supervision and management of the Department of Justice, and to ensure that there is a full and thorough investigation of whether any government employee or agent directly caused the loss of life at the Mt. Carmel compound at Waco, Texas, on April 19, 1993, and of whether any government employee or agent withheld or suppressed evidence or information or made fraudulent statements regarding the events at the Mt. Carmel compound at Waco, Texas, on April 19, 1993, I hereby order as follows:

(a) John C. Danforth is appointed to serve as Special Counsel at the United States Department of Justice.

(b) The Special Counsel is authorized to investigate the following matters:

(1) whether any government employee or agent made false or misleading statements, allowed others to make false or misleading statements, or withheld evidence or information from any individual or entity properly entitled to obtain evidence or information, concerning the events occurring at the Mt. Carmel compound at Waco, Texas, on April 19, 1993;

(2) whether any government employee or agent destroyed, altered, or suppressed evidence or information relative to the events occurring at the Mt. Carmel compound at Waco, Texas, on April 19, 1993;

(3) whether any government employee or agent used any incendiary or pyrotechnic device at the Mt. Carmel compound at Waco, Texas, on April 19, 1993;

(4) whether any government employee or agent started, or contributed to the spread of, the fire at the Mt. Carmel compound at Waco, Texas, on April 19, 1993;

(5) whether any government employee or agent engaged in gunfire at the Mt. Carmel compound at Waco, Texas, on April 19, 1993; and

(6) whether there was any illegal use of the armed forces of the United States in connection with the events leading up to the deaths occurring at the Mt. Carmel compound at Waco, Texas, on April 19, 1993.

(c) If the Special Counsel believes it is necessary and appropriate, the Special Counsel is authorized to prosecute federal crimes arising from his investigation of these matters and federal crimes committed with the intent to interfere with the Special Counsel's investigation, such as perjury, obstruction of justice, destruction of evidence, or intimidation of witnesses.

(d) Sections 600.4 through 600.10 of Title 28 of the Code of Federal Regulations are applicable to the Special Counsel.

(e) In addition to the confidential report requirement under section 600.8(c), the Special Counsel, to the maximum extent possible and consistent with his duties and the law, shall submit to the Attorney General a final report, and such interim reports as he deems appropriate, in a form that will permit public dissemination.

Sept 9, 1997
Date

Janet Reno
Attorney General

OFFICE OF SPECIAL COUNSEL
JOHN C. DANFORTH

September 16, 1999

VIA FACSIMILE and U.S. MAIL

Congressman Dan Burton
2185 Rayburn House Office Building
Washington, DC 20515-1406

Dear Dan:

I appreciated the opportunity to visit with you in Washington last week. Following up on our discussions, I would like to send my chief of staff to Washington within the next few days to meet with staff designated by you. The purpose of the meeting would be to discuss the importance of the Office of Special Counsel interviewing witnesses before their statements are taken either by deposition in the pending civil litigation or by Congressional committee. In this connection, I would like to ask that you consider a brief delay in hearings on issues that are within the scope of the Attorney General's Order, copy enclosed, for the same reasons described in my letter to Judge Walter S. Smith, also enclosed. I would like to secure an arrangement by which my staff would have access to witnesses for interviews prior to their sworn testimony before your Committee. Also, I would like to obtain your input on issues critical to the investigation, including:

(1) the specific issues that you believe I should investigate, including, but not limited to, your views on such matters as:

(a) the 1993 FBI lab report with the allegedly missing page;
(b) the issues raised by the new report issued by the Texas Rangers;
(c) the new allegations relative to the allegedly improper use of the U.S. armed forces;
(d) the new allegations relative to the tear gas canisters and how they relate to previous congressional testimony; and
(e) the recently revealed video and audio tapes and issues concerning their integrity;

(2) who are the most important fact witnesses relative to these issues;

(3) what documents and physical evidence bear on these issues; and

(4) who are some possible expert witnesses on these issues.

I look forward to working with you in coordinating an investigation that involves cooperation with your activities and minimal intrusion into the important obligations that you have with respect to the American people. I will have Mr. Schweich contact your office within the next two working days, or you may have your designee call him directly at [redacted] Thank you.

Sincerely,

JCD/cck
Enclosure

cc: Congressman Henry A. Waxman (w/encl.)
Mr. Edward L. Dowd, Jr. (w/encl.)
Mr. Thomas A. Schweich (w/encl.)

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

September 17, 1999

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

Dear Mr. Chairman:

This supplements our previous response to your subpoena, dated September 1, 1999, regarding records relating to the recent grants of clemency or remittance of fine for sixteen individuals.

Enclosed are additional records responsive to the subpoena. The majority of these are the Department's correspondence with individuals who wrote to us in connection with the clemency petitions. We also have included additional records that are responsive to item number two of the subpoena, which may be largely duplicative of records that we previously provided to you.

We are providing these documents to the Committee pursuant to provisions of the Privacy Act set forth at 5 U.S.C. 552a(b)(9), although we would be prohibited by the Act from publicly disclosing them. Since public disclosure of the records could adversely impact the privacy interests of individuals other than the sixteen individuals who were granted clemency, we urge the Committee to maintain the confidentiality of the records and not release the information they contain.

We have not yet completed our search for responsive documents for, and our review of, documents responsive to the September 1, 1999 subpoena, but will do so promptly. When that

process is complete, we will provide you with all responsive documents, except for any documents as to which the President may assert executive privilege. Please do not hesitate to contact me if you would like additional information regarding this or any other matter.

Sincerely,

Jon P. Jennings
Acting Assistant Attorney General

Enclosures

cc: The Honorable Henry Waxman
Ranking Minority Member

Office of the Attorney General
Washington, D. C. 20530

September 16, 1999

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 several subpoenas issued by the Committee on Government Reform and Oversight of the House of Representatives to the White House, the Department of Justice, and certain White House and Department officials seeking documents and testimony concerning your decision to offer clemency to sixteen individuals.

I.

The documents and testimony proposed to be subject to a claim of executive privilege consist of (1) advice and other deliberative communications to the President and (2) deliberative documents and communications generated within and between the Department of Justice and the White House in connection with the preparation of that advice. Documents falling into the former category consist of memoranda and other documents submitted to you by officials and components of the Department and offices within the White House concerning the clemency decision. The documents falling into the latter category include documents containing confidential advice, analysis, recommendations and statements of position that the Pardon Attorney generated in connection with the clemency review, or that other executive branch officials and employees submitted to the offices of the Pardon Attorney or the Deputy Attorney General in connection with that review. For the reasons set forth below, it is my legal judgment that executive privilege may properly be asserted with respect to the foregoing documents and with respect to testimony by Department and White House officials concerning the deliberations in connection with your clemency decision.

Advice to the President and other deliberative communications and materials fall within the scope of executive privilege. See generally United States v. Nixon, 418 U.S. 683, 705-13

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(1974); Nixon v. Administrator of General Services, 433 U.S. 425, 446-55 (1977). The Supreme Court has recognized

> the necessity for protection of the public interest in candid, objective, and even blunt or harsh opinions in Presidential decisionmaking. A President and those who assist him must be free to explore alternatives in the process of shaping policies and making decisions and to do so in a way many would be unwilling to express except privately. These are the considerations justifying a presumptive privilege for Presidential communications. The privilege is fundamental to the operation of Government and inextricably rooted in the separation of powers under the Constitution.

United States v. Nixon, 418 U.S. at 708. It is thus well established that not only does executive privilege apply to confidential communications to the President, but also to "communications between high Government officials and those who advise and assist them in the performance of their manifold duties." Id. at 705.

The White House staff and the Department of Justice act as confidential advisors to the President as part of the clemency review process, and executive privilege has long been understood to protect confidential advice generated during that process. Under controlling case law, in order to justify a demand for information protected by executive privilege, a congressional committee is required to demonstrate that the information sought is "demonstrably critical to the responsible fulfillment of the Committee's functions." Senate Select Committee on Presidential Campaign Activities v. Nixon, 498 F.2d 725, 731 (D.C. Cir. 1974) (en banc). And those functions must be in furtherance of legitimate legislative responsibilities of Congress. See McGrain v. Daugherty, 273 U.S. 135, 160 (1927) (Congress has oversight authority "to enable it efficiently to exercise a legislative function belonging to it under the Constitution").

The Committee's letter to the Department, dated September 10, 1999, which requested the designation of a witness for the Committee's hearing, indicated that the hearing is entitled "Clemency for the FALN: A Flawed Decision?" and that the Committee is "specifically interested in hearing about information germane to the process of the . . . grant of executive clemency" regarding the sixteen individuals. A compelling argument can be made, however, that Congress has no authority whatsoever to review a President's clemency decision. "Since Congress may only investigate into those areas in which it may potentially legislate or appropriate, it cannot inquire into matters which are within the exclusive province of one of the other branches of the Government." Barenblatt v. United States, 360 U.S. 109, 111-12 (1959). The granting of clemency pursuant to the pardon power is unquestionably an exclusive province of the Executive Branch. U.S. Const., Art. II, § 2, cl. 1. See United States v. Klein, 80 U.S. (13 Wall.) 128, 147 (1871) ("To the executive alone is intrusted the power of pardon"); see also Public Citizen v. Department of Justice, 491 U.S. 440, 485 (1989) (Kennedy, J., concurring) (reaffirming that pardon power is "commit[ted] . . . to the exclusive control of the President").

In exercising his clemency power, the President may seek the views of various advisors as he deems appropriate. Historically, he has sought the advice of the Department of Justice. In response to previous congressional inquiries, the Department has repeatedly emphasized the exclusivity of the President's pardon power. In a letter responding to a request for pardon papers by the Chairman of the House Committee on Claims in 1919, the Attorney General refused to provide Congress with the Attorney General's report, observing:

> [T]he President, in his action on pardon cases, is not subject to the control or supervision of anyone, nor is he accountable in any way to any branch of the government for his action, and to establish a precedent of submitting pardon papers to Congress, or to a Committee of Congress, does not seem to me to be a wise one.

Letter from A. Mitchell Palmer, Attorney General, to Rep. George W. Edmonds, Chairman, House Committee on Claims (Sept. 25, 1919). This position was reasserted by the Pardon Attorney in 1952 in response to an inquiry from Senator Styles Bridges concerning the publication of details of clemency cases. Noting that "the President's exercise of the pardoning power is not subject to statutory regulation or control," the Pardon Attorney explained that,

> [i]n the exercise of the pardoning power, the President is amenable only to the dictates of his own conscience, unhampered and uncontrolled by any person or branch of Government. In my judgment it would be a serious mistake and highly detrimental to the public interest to permit Congress, or any Branch thereof, to encroach upon any prerogative, right or duty of the President conferred upon him by the Constitution, or to assume that he is in the slightest respect answerable to it for his action in pardon matters.

Letter from Daniel Lyons, Pardon Attorney, to Senator Styles Bridges (Jan. 10, 1952) (citation and internal quotation marks omitted). The Executive Branch has on occasion provided Congress with information relating to particular clemency decisions, but to our knowledge it has done so only voluntarily and without conceding congressional authority to compel disclosure.

Accordingly, it appears that Congress' oversight authority does not extend to the process employed in connection with a particular clemency decision, to the materials generated or the discussions that took place as part of that process, or to the advice or views the President received in connection with a clemency decision. In any event, even if the Committee has some oversight role, I do not believe its oversight needs would be viewed by the courts as outweighing the President's interest in the confidentiality of the deliberations relating to his exercise of this exclusive presidential prerogative. Conducting the balancing required by the case law, see Senate Select Committee, 498 F.2d at 729-30; United States v. Nixon, 418 U.S. at 706-07, I do not believe that access to documents relating to or testimony about these deliberations would be held

by the courts to be "demonstrably critical to the responsible fulfillment of the Committee's functions." Senate Select Committee, 498 F.2d at 731. Indeed, this conclusion is confirmed by the fact that the Committee can satisfy any oversight need to investigate the impact of the clemency decision on law enforcement goals by obtaining information concerning the individuals offered clemency and any threat they might pose through non-privileged documents and testimony.

II.

The Counsel to the President is one of several individuals subpoenaed to provide testimony to the Committee. Much, but not necessarily all, of what the Counsel might be asked to testify about at the Committee's hearing would presumably fall within the scope of information that would be covered by your assertion of executive privilege over deliberations leading up to your clemency decision. However, there is a separate legal basis that would support a claim of executive privilege for the entirety of the Counsel's testimony, thereby eliminating any need for her to appear at the hearing. Executive privilege is assertable in response to a congressional subpoena seeking testimony by the Counsel to the President concerning the performance of official duties on the basis that the Counsel serves as an immediate adviser to the President and is therefore immune from compelled congressional testimony.

It is the longstanding position of the executive branch that "the President and his immediate advisers are absolutely immune from testimonial compulsion by a Congressional committee."[1] This position is constitutionally based. As Assistant Attorney General Theodore Olson observed in 1982:

> The President is a separate branch of government. He may not compel congressmen to appear before him. As a matter of separation of powers, Congress may not compel him to appear before it. The President's close advisors are an extension of the President.[2]

---

[1] Memorandum from John M. Harmon, Assistant Attorney General, Office of Legal Counsel, Re: Executive Privilege, at 5 (May 23, 1977).

[2] Memorandum from Theodore B. Olson, Assistant Attorney General, Office of Legal Counsel, at 2 (Jul. 29, 1982) (discussing subpoena for testimony of the Counsel to the President). See also Memorandum from Roger C. Cramton, Assistant Attorney General, Office of Legal Counsel, Re: Availability of Executive Privilege Where Congressional Committee Seeks Testimony of Former White House Official on Advice Given President on Official Matters, at 6 (Dec. 21, 1972) (because "[a]n immediate assistant to the President may be said to serve as his alter ego . . . the same considerations that were persuasive to former President Truman [when he declined to comply with a congressional subpoena for his testimony] would apply to justify a refusal to appear by . . . a former staff member"); Letter from Edward C. Schmults, Deputy Attorney General, at 2 (Apr. 19, 1983) ("[O]ur concern regarding your desire for the sworn testimony of [the Counsel to the President] is based upon important principles relative to the powers, duties and prerogatives of the Presidency. We share with previous Presidents

09/16/99 THU 10:12 FAX 202 [redacted] 005/005

Accordingly, "[n]ot only can the President invoke executive privilege to protect [his personal staff] from the necessity of answering questions posed by a congressional committee, but he can also direct them not even to appear before the committee."[3]

An often-quoted statement of this position is contained in a memorandum by then-Assistant Attorney General William Rehnquist:

> The President and his immediate advisers -- that is, those who customarily meet with the President on a regular or frequent basis -- should be deemed absolutely immune from testimonial compulsion by a congressional committee. They not only may not be examined with respect to their official duties, but they may not even be compelled to appear before a congressional committee.[4]

It is our understanding that the Counsel to the President falls within Assistant Attorney General Rehnquist's description of the type of Presidential advisers who are immune from testimonial compulsion.

Given the close working relationship that the President must have with his immediate advisers as he discharges his constitutionally assigned duties, I believe that a court would recognize that the immunity such advisers enjoy from testimonial compulsion by a congressional committee is absolute and may not be overborne by competing congressional interests. For, in many respects, the President's immediate adviser functions as the President's alter ego, assisting him on a daily basis in the formulation of executive policy and resolution of matters affecting the military, foreign affairs, and national security and other aspects of his discharge of his constitutional responsibilities. Subjecting such a presidential adviser to the congressional subpoena power would be akin to requiring the President himself to appear before Congress on matters relating to the performance of his constitutionally assigned executive functions. Because such a result would, in my view, violate the constitutionally mandated separation of powers principles, it would seem to follow that compelling one of the President's immediate advisers to testify on a matter of executive decision-making would also raise serious constitutional problems, no matter what the assertion of congressional need.

---

and their advisers serious reservations regarding the implications for established constitutional doctrines arising from the separation of powers of a Congressional demand for the sworn testimony of close presidential advisers on the White House staff.").

[3] Memorandum from John M. Harmon, Assistant Attorney General, Office of Legal Counsel, Re: Dual-purpose Presidential Advisers, Appendix at 7 (Aug. 11, 1977).

[4] Memorandum from William H. Rehnquist, Assistant Attorney General, Office of Legal Counsel, Re: Power of Congressional Committee to Compel Appearance or Testimony of "White House Staff", at 7 (Feb. 5, 1971).

09/16/99 THU 10:12 FAX 202 [redacted]

At a minimum, however, I believe that, even if a court were to conclude that the immunity the Counsel to the President enjoys from testimonial compulsion by a congressional committee is subject to a balancing test, you may properly instruct the Counsel that she need not appear in response to the present congressional subpoena. In my view, a court would, at a minimum find that the constitutional interests underlying the immunity outweigh Congress' interest, if any, in obtaining information relating to the particular process followed, or the advice and other communications the President received, in connection with the President's exercise of his exclusive constitutional authority to grant clemency.

In conclusion, it is my legal judgment that executive privilege may properly be asserted with respect to the entirety of the testimony of the Counsel of the President, based on the immunity that position has with respect to compelled congressional testimony.

Sincerely,

Janet Reno

Janet Reno
Attorney General

09/16/99 THU 10:13 FAX 202 [redacted]

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Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

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BERNARD SANDERS, VERMONT,
INDEPENDENT

September 20, 1999

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Re: Committee Hearing Regarding the FALN

Dear General Reno:

Tomorrow, the Committee on Government Reform is holding a hearing regarding President Clinton's grant of clemency to 14 members of the FALN. This afternoon, Committee staff called the Federal Bureau of Investigation to determine when the FBI's witness, Assistant Director Neil Gallagher, would submit his opening statement to the Committee. We were informed that Justice Department staff denied the FBI permission to submit a written opening statement at the hearing.

As you know, the President has asserted executive privilege over records relating to his clemency decision. The President's decision has prevented the Committee and the public from determining any of his reasons for granting clemency. However, the Committee's hearing will examine important issues relating to the threat posed by the FALN both in the past, and in the present. Accordingly, I expect that most of Assistant Director Gallagher's testimony would not have touched on issues covered by executive privilege.

If the Justice Department is attempting to prevent the disclosure of privileged information, there are more effective ways to achieve its goal rather than muzzling Assistant Director Gallagher. The Justice Department can simply redact any privileged material from the statement before it is submitted to the Committee. I urge you to take this simple step so that the Committee and the public can hear unfettered testimony from this important witness.

It would be unconscionable for the Justice Department to try to muzzle the FBI on matters pertaining to terrorism. Unfortunately, though, that would be fully consistent with your practice over the past several weeks. When FBI witnesses were invited to testify in Senate hearings, you prevented them from attending. Now that the Committee

has subpoenaed a witness from the FBI, you are trying to keep them from providing an opening statement. In holding this hearing, the Committee is carrying out an important constitutional duty – overseeing the Executive Branch. Your actions show a disregard for the importance of that duty, and of the public's right to know what its government is doing.

You have had one week to redact any privileged remarks from the written FBI statement. You appear to be operating with a sledgehammer, rather than a scalpel. This fact makes it appear that your motives are purely partisan. Why is the Justice Department trying to keep the FBI from testifying? What is it that you are trying to keep from the public? Once again, Attorney General Reno, it appears that you are acting not as a servant of the people, but to protect the President.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

U.S. Department of Justice
Immigration and Naturalization Service

SEP 23 1999

CO 703.1056

Office of the Commissioner

425 I Street NW
Washington, DC 20536

SEP 20 1999

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

Dear Mr. Chairman:

Thank you for letter of August 4, 1999, requesting the enclosed I-94 records relating to the following individual:

Liu Chao-ying (a.k.a Liu Chaoying a.k.a Chaoying Liu), date of birth October 29, 1959, People's Republic of China Passport Number [redacted] (issued September 9, 1989).

The Immigration and Naturalization Service (INS) has no additional files or records relating to Liu Chao-ying.

If we can be of further assistance to you, please let us know.

Sincerely,

FOR THE COMMISSIONER

Allen Erenbaum
Director
Congressional Relations

Enclosure

Subpena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To .....United States Department of Justice Serve: Jon Jennings, Acting Assist Attorney Gene

You are hereby commanded to produce the things identified on the attached schedule before the .....full..... Committee on .....Government Reform..... of the House of Representatives of the United States, of which the Hon. ..Dan..Burton..... ..... is chairman, by producing such things in Room ....2157..... of the .....Rayburn..... Building ....., in the city of Washington, on .....September..22,..1999, at the hour of .....5:00..pm.....

To .....Kimberly..Reed.....

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this .....21st..... day of ....September....., 19.99....

.....
Chairman.

Attest:

.....
Clerk.

Subpena for... US Department of Justice

Serve: Jon Jennings, Acting Assistant Attorney General

10th Street and Constitution Avenue, NW

Washington, DC 20530

before the Committee on the.....

Served... on Jon Jennings

by DOJ at 9/22/99

at 3:05 pm

.....House of Representatives

SCHEDULE A

Subpoena Duces Tecum
Government Reform Committee
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

United States Department of Justice
Serve: Acting Assistant Attorney General Jon Jennings
Tenth Street & Constitution Avenue N.W.
Washington, D.C. 20530

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions, please contact Chief Investigative Counsel James C. Wilson at (202) 225-5074.

Definitions and Instructions

(1) For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

(2) For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

(3) This subpoena calls for the production of records, documents and compilations of data

and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

(4) The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

(5) No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

(6) If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

(7) When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by data, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

(8) This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

Subpoenaed Items

Please provide the Committee with any and all copies, including drafts, of the opening statement to be provided by Federal Bureau of Investigation Assistant Director Neil Gallagher to the Committee on Government Reform regarding the grant of clemency to members of the FALN.

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

September 23, 1999

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

Dear Mr. Chairman:

This responds to your subpoena, dated September 22, 1999, and questions raised at the Committee's hearing on September 21st regarding clemency for sixteen individuals.

Enclosed is the draft statement of Mr. Neil Gallagher, which was forwarded to the Department for review and comment in accordance with the usual intra-agency practice. In consultation with the FBI, we have redacted text from the statement that is subject to the President's assertion of executive privilege.

I also want to clarify the apparent confusion at the hearing about some of the documents we have produced. As we previously advised Committee staff, the petition for clemency filed in November 1993 on behalf of these individuals was furnished to the Committee on September 17, 1999 in the documents Bates stamped 259-421. The document referenced by Congressman Ose at the hearing yesterday, which we also furnished to the Committee as Bates number 1974, was prepared by the Department and signed by one of the sixteen individuals on September 7, 1999, indicating his agreement to the terms of the conditional clemency offer.

We expect to supplement this response with additional documents responsive to the Committee's subpoenas in the near future. Please do not hesitate to contact me if you would like additional information before then.

Sincerely,

Jon P. Jennings
Acting Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

DRAFT

Good morning Mr. Chairman and members of the sub-committee. I thank you for the opportunity to provide the FBI's input regarding the commutation of sentences extended to incarcerated members of Puerto Rican terrorist groups. I welcome the opportunity to explain the FBI's concern with and opposition to their release, and to provide the reasons underlying that opposition.

I would first like to briefly discuss the FBI's jurisdiction with respect to terrorism. The FBI defines terrorism as the unlawful use of force or violence against persons or property to influence or intimidate a government, the civilian population, or any segment thereof, in furtherance of political or social objectives. The FBI has the jurisdiction to investigate planned or actual incidents of terrorism. In addition, the FBI has the responsibility to investigate groups or enterprises which are engaged in or planning violence or crimes in furtherance of a political or social agenda. The FBI's mission is to investigate, deter, and prevent acts of terrorism. As a result of this mandate, the FBI has historically been the lead federal law enforcement agency involved in the investigations of terrorist activity by terrorist groups in the United States.

Under the Attorney General's Guidelines, the FBI may conduct criminal intelligence investigations of a group in order to ascertain if the group or enterprise is engaging in criminal activity in furtherance of its goals and objectives. The FBI may also conduct investigations of individuals who may be members of such groups when

those individuals are engaged in criminal acts in furtherance of the group's goals and objectives.

Two such groups that the FBI has actively investigated in the past are the Fuerzas Armadas de Liberacion Nacional Puertorriquena (Armed Forces of National Liberation) or FALN, and the Ejercito Popular Boricua (Popular Boricua Army), better known as the "Macheteros."

The FALN is a clandestine terrorist organization dedicated to achieving the independence of the Island of Puerto Rico from the United States. The group first made its existence known on October 26, 1974, when it claimed credit via communique for five bombings which occurred in New York City earlier that day. Over the next eight years, the FALN perpetrated 130 bombing incidents including 72 actual bombings, 40 incendiary attacks, eight attempted bombings (explosive devices failed to function) and ten bomb threats. These terrorist attacks alone, resulted in five deaths, 83 injuries and over three million dollars in property damage.

The Macheteros is a Puerto Rican terrorist organization whose goals are complete autonomy and sovereignty for Puerto Rico. These goals are to be achieved through violence and armed struggle against the United States Government. The group's existence became known after it sent a communique to the United Press International claiming credit for the killing of a Puerto Rican police officer on August 24, 1978. On December 3, 1979, seventeen men and women on a U.S. Navy

bus were ambushed by individuals using automatic weapons, resulting in two deaths and nine wounded. The Macheteros, in conjunction with other terrorists, claimed responsibility for this attack in a communique issued later that day.

From an historical perspective, the criminal activity associated with the FALN and Macheteros also demonstrates their willingness to utilize violence in furtherance of their agenda of Puerto Rican independence and the danger each group poses to the United States and its citizens. In addition to the deaths cited above, violent criminal activity by both organizations has resulted in serious injuries to an FBI Agent and to several police officers, some of whom I understand you will hear from today.

Terrorist groups are comprised of individuals and as part of the FBI's investigations of these groups, individuals associated with the FALN and the Macheteros were also investigated. Included among those investigated were the fifteen individuals who have sought pardons and/or commutations of their sentences. These individuals were engaged in violent criminal activities in furtherance of the goals and objectives of their respective groups. Although these individuals were not convicted of all the crimes mentioned above, they were, nevertheless, all key members of these organizations. For clarification purposes, I have attached for the record a chart listing the violent acts for which each individual was convicted and sentenced.

A review of this list reflects that eleven of the FALN members (Dylcia Noemi Pagan, Elizam Escobar, Ida Luz Rodriguerz, Adolfo Matos, Carmen Valentin, Carlos Alberto Torres, Ricardo Jimenez, Alicia Rodriguez, Luis Rosa, and Oscar Lopez-Rivera) were all indicted in December, 1980, and convicted on all counts in 1981. These individuals were charged with seditious conspiracy, armed robbery, weapons violations and interstate transportation of stolen motor vehicles. As charged in the indictment, the seditious conspiracy counts included the construction and planting of explosive and incendiary devices (bombs) at twenty-eight locations in Illinois between the period of June 14, 1975, through November 24, 1979. In order to better understand the violent criminal activity engaged in by these terrorists I have also attached a copy of the indictment to my statement. In addition, Oscar Lopez-Rivera was convicted in 1988 and sentenced to an additional fifteen years on charges related to his attempted escape.

Three other FALN members (Alegandrina Torres, Edwin Cortes and Alberto Rodriguez) were also convicted of seditious conspiracy in 1985. Torres was also convicted of possession of firearms and unlawful storage of explosives. Cortes was also convicted of possession of firearms, unlawful storage of explosives, conspiracy to commit armed robbery and conspiracy to manufacture firearms. Rodriguez was also convicted of possession of firearms, conspiracy to make destructive devices, and conspiracy to commit armed robbery. These three individuals had planned to bomb a Marine Training Center

and an Army Reserve Center in Chicago on the Forth of July weekend in 1983.

The two individuals from the Macheteros (Antonio Camacho-Negron and Juan Enrique Segarra-Palmer) were convicted for their roles in one of the most serious armed robberies in U.S. history, the 1983 armed robbery of a Wells Fargo facility in Hartford, Connecticut. This robbery, for which the Macheteros claimed responsibility, resulted in the theft of over $7 million, much of which was transported out of the United States. For their respective roles in this incident, the imprisoned Macheteros were convicted on charges of robbery of bank funds, transportation of stolen money in interstate and foreign commerce, foreign transportation of stolen money, conspiracy to rob federally insured bank funds, and other charges. This incident continues to have a lasting impact on law enforcement. Macheteros member Victor Manuel Gerena-Ortiz remains an FBI Top Ten fugitive for his role in the robbery. Macheteros leader Filiberto Ojeda-Rios also remains a federal fugitive, wanted for his role in the robbery.

In June of 1999 the FBI was asked by Department of Justice for the FBI's input on the granting of a pardon and/or clemency for the incarcerated Puerto Rican terrorists. The FBI has consistently advised the Department of Justice that the FBI was opposed to any such pardon and/or commutation of sentences for these individuals. As the request for pardon has been pending since 1994, the FBI was unaware that any such commutation of sentences was actually being

contemplated or imminent. [redacted]

[redacted] the FBI outlined its [redacted] opposition to such a release in a Memorandum to the Department of Justice dated June 28, 1999. This opposition was based upon a number of factors, several of which I will note.

[redacted]

I would also like to provide an assessment of the current and continuous threat posed by the FALN and Macheteros. In recent years, the FBI has continued to receive information that members of the FALN and Macheteros are pursuing their goal for Puerto Rican independence. Neither group have rescinded the use of armed struggle or violence in accomplishing that goal. Less than two years ago, an individual

convicted for the 1954 armed attack on the House of Representatives that left five Congressmen wounded (and who subsequently was provided a presidential pardon), addressed FALN supporters at a rally in Chicago. During this rally, the audience was told that Puerto Ricans have the right to take up arms if political actions failed to liberate Puerto Rico. In December, 1998, the reward offered for information leading to the capture of Macheteros leader Filiberto Ojeda-Rios was increased to $500,000. In response, Ojeda-Rios issued a statement advising that anyone that gives information regarding his whereabouts is a "traitor" and would "pay with their lives." This was the first time that the Macheteros have directly threatened the Puerto Rican people, in stark contrast to their previous commitment that their actions would not harm "the people."

The FALN and Macheteros terrorist groups continue to pose a danger to the U.S. Government and to the American people, here and in Puerto Rico. [redacted] The challenge before us is the potential that the release of these individuals will psychologically and operationally enhance the ongoing violent and criminal activities of terrorist groups, not only in Puerto Rico, but throughout the world.

I thank you for your time, and will be happy to entertain your questions regarding this issue.

DAN BURTON, INDIANA
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BERNARD SANDERS, VERMONT,
INDEPENDENT

September 28, 1999

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Re: Grant of Immunity for John Huang

Dear General Reno:

I have received a letter dated September 10, 1999, in which Acting Assistant Attorney General Jennings stated that the Justice Department opposes any effort by the Government Reform Committee to grant immunity to John Huang. I am appalled by the Justice Department's inexplicable reversal on this issue. Prior to Huang's sentencing, the Justice Department made countless representations that the Department was going to provide John Huang to the Committee for testimony as soon as possible. Now, the Department has erected yet another barrier to this Committee's investigation.

Perhaps the most outrageous claim made by the Department is that the Committee does not even need to grant immunity to Mr. Huang. In his letter, Acting Assistant Attorney General Jennings claimed that: "[w]e have no reason to believe that Mr. Huang will refuse to answer the Committee's questions on [campaign financing] issues." My staff has met with Mr. Huang's counsel, Ty Cobb, who has informed us of the scope and nature of the Justice Department espionage investigation. According to Mr. Cobb, all of the Asian-American individuals solicited by Huang while he was at the DNC are subjects of the espionage investigation. In addition, Mr. Huang's superior, James Riady, is a target of that investigation. Accordingly, Mr. Huang will not answer any questions relating to the following subjects without a grant of immunity from the Committee: (1) his contacts with James Riady and other Lippo executives; (2) any of his fundraising at the DNC; (3) any involvement of James Riady or Lippo in providing contracts or money to Webster Hubbell; and (4) most of his duties at the Commerce Department. If Mr. Cobb's understanding of the Justice Department's investigation is mistaken, please inform him immediately, in writing. However, if Mr. Cobb is correct, and Mr. Huang cannot testify on a number of central matters relating to his fundraising activities, I must conclude that the Department's letter of September 10 is intentionally misleading.

As you know, I believe that the Department has badly bungled Huang's sentencing. The Department offered Mr. Huang a lenient plea bargain, and then blocked this Committee from interviewing Huang before he was sentenced. I requested that Mr. Huang's sentencing be delayed, and that he be required to cooperate with Congress as a condition of his plea agreement. Last month, the Department took the position that Huang should be sentenced right away so that the Committee could receive his testimony. Acting Assistant Attorney General Jennings stated that: "[t]he Department respects the importance of the Committee's oversight responsibility. This is why we pushed for the earliest possible sentencing date for Mr. Huang and asked him to cooperate with the Committee." Mr. Jennings conveniently failed to inform the Committee that the Department was conducting a separate investigation that would keep Mr. Huang from testifying for at least two more months.

The news that you are conducting an espionage investigation of Mr. Huang leads me to ask a number of questions:

- Why did the Department rush to sentence John Huang in early August, when you apparently had not even conducted a preliminary examination of the espionage case against Mr. Huang? Common sense would dictate that you would not make a lenient plea bargain with Mr. Huang, and agree to a light sentence against him, before you had even evaluated the evidence against him on related espionage charges.

- When was this investigation started? Why couldn't all of the matters relating to the espionage case against Huang have been resolved in the last two and one-half years that the Department has been investigating Huang?

- How is it that the Department hopes to conduct a thorough espionage investigation against Huang, and still assure the Committee that the "present phase" of the investigation will be completed in just 60 days? Given the fact that the Department ended up securing a meager sentence of probation against Mr. Huang after two years of investigating, I do not expect that two months more of investigation will yield a great deal.

- Why did the Department choose to separate espionage charges against Huang from all of the other charges against him? Mr. Huang's counsel has told us that Mr. Huang has interviewed with the Department on approximately 20 different occasions. Each time that Mr. Huang spoke with Department investigators, he was provided a letter granting him use immunity for everything that he told the investigators. In the course of these interviews, the Department presumably obtained extensive evidence relating to the Riady family and the Lippo Group. As a result, if the Department now attempted to bring a case against Huang on espionage charges, it would have seriously jeopardized its own case.

Absent satisfactory answers to these questions, I am left with the inescapable conclusion that the Department is not conducting a serious espionage investigation of

John Huang. It appears, rather, that the Justice Department is merely making excuses to further delay and hinder this Committee's efforts to obtain testimony from John Huang.

According to his counsel, Mr. Huang is ready and willing to cooperate with the Committee's investigation, "assuming the Department of Justice acts rationally and cooperatively," and approves the Committee's grant of immunity. However, it appears that the Department is not acting rationally or cooperatively. In fact, the Department's current effort to obstruct the Committee is just one of many. The American people and this Committee have waited long enough to hear testimony from Mr. Huang. Please reconsider your position on immunity for Mr. Huang, so that the Committee can proceed without any further delay.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member
All Members, Committee on Government Reform

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INDEPENDENT

September 28, 1999

The Honorable Janet Reno
Attorney General
U.S. Department of Justice
Tenth and Constitution Avenue, N.W.
Washington, DC 20530

Dear General Reno:

On July 15, 1999, Deputy Assistant Attorney General John C. Keeney, Public Integrity Section Chief Lee J. Radek and Faith Burton from the Office of Legislative Affairs met with representatives of the Committee on Government Reform and the Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs. They discussed the Department of Justice's decision not to indict former White House Associate Counsel, now Deputy Counsel, Cheryl Mills for perjury and obstruction of justice.

During this discussion, your staff explained the rationale for the Justice Department's refusal to prosecute Ms. Mills. As part of that discussion, it was related to my staff by Mr. Radek that a lack of consensus within the Committee was a factor in the Department's decision not to prosecute Ms. Mills, or even initiate its own investigation of the matter. Mr. Radek went on to say that since the Committee as a whole "did not feel victimized," the Justice Department's "enthusiasm [to investigate or prosecute] was dampened."

I find this revelation to be deeply troubling. The notion that disagreement in a political body would influence the Justice Department's decision-making is problematic. The examination of the facts of this case -- or any case -- should not be viewed through the lens of politics. In essence, Mr. Radek has suggested that one political party, by virtue of what the party whip convinces his colleagues to do, has a full or partial veto of Justice Department prosecutions. I am surprised that an Attorney General would allow such an absurd position to take root at the Justice Department.

The extraordinary importance of Mr. Radek's observation goes beyond academic interest. From my perspective, there has been, on occasion, a conscious effort to bypass fact and label legitimate Congressional oversight as "partisan." This was highlighted in a recent book written by Elizabeth Drew. In *The Corruption of American* Politics, she wrote about the White House strategy for dealing with scandals:

> [Don] Goldberg a lanky bearded thirty-eight-year-old [former White House lawyer], candidly explained to me the White House strategy for adversarial hearings by the Republican Congress. "It's an obvious strategy," he said. "On the Hill, if you don't have much to go on, you decry the partisanship, and the print reporters will write in the first or second paragraph, and the TV stories will begin, 'In a hearing mired in partisanship,' and then they get to the subject of the hearing and you've won. That's Damage Control 101.

While I was surprised that the White House would be so brazen as to admit how it approached Congressional oversight, the fact of this strategy was hardly a surprise. It was, however, a great surprise for me to learn that the Department of Justice would reward this unfortunate tactic by factoring in – to any degree, even the slightest – the presence of "partisan" positions taken in Congress. Mr. Radek's admission that the lack of a bipartisan mandate for criminal referrals is a factor in the Department's decision-making is not only an insult to prosecutors, it is also a capitulation to a strategy that is practiced in complete disregard of facts or the public good. That one of the individuals who has made many of the most important decisions in the campaign finance investigation would interpret the law in such a fashion is, to say the least, extraordinary.

I ask that you repudiate Mr. Radek's position and instruct your staff that henceforth decisions to prosecute or decline prosecution will be made on the facts, and not – even to the slightest degree – on whether a political party has cast a pall of "partisanship" over a particular issue. Mr. Radek's revelation was tantamount to an admission that you have given the Democratic minority in Congress partial veto power over criminal referrals made pursuant to 18 U.S.C. 1001. Mr. Radek's position also casts doubt upon representations made by Assistant Attorney General James Robinson in his July 8, 1999, letter to Chairman McIntosh, where he said: "It was on the basis of such an analysis, *wholly unrelated to political considerations*, that career prosecutors in the Criminal Division reached their decision concerning the allegations against Ms. Mills." (emphasis added)

This is one more example that calls into question the judgment of those you have relied upon in the campaign finance investigation. I can only wonder how many decisions made by Mr. Radek relied upon his extremely flawed understanding of how the Justice Department should conduct itself.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman
The Honorable David McIntosh
David Vicinanzo, Chief, Campaign Financing Task Force
Jon Jennings, Acting Assistant Attorney General, Office of Legislative Affairs

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October 1, 1999

Faith Burton
Office of Legislative Affairs
Department of Justice
Room 1603
Constitution Avenue, N.W.
Washington, D.C. 20530

Dear Ms. Burton:

I am writing to confirm our conversation yesterday regarding the Atlantic Fleet Training Facility at Vieques, Puerto Rico. I indicated that Committee staff would like to speak with the United States Attorney regarding recent incidents at Vieques. In particular, the Committee is interested in the decision not to investigate or prosecute individuals who are trespassing on and removing unexploded ordnance from the island.

Committee staff will be in Puerto Rico on October 7 and 8, 1999. We would appreciate if the Department would arrange a meeting on one of those dates. Thank you for your assistance.

Sincerely,

Kristi L. Remington

Kristi L. Remington
Senior Counsel

U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

October 6, 1999

Honorable Dan Burton
Chairman
Committee on Government Reform
House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

In a letter to Director Freeh dated September 7, 1999, you requested analysis of portions of Forward Looking Infrared Radar (FLIR) videotapes made by the FBI on April 19, 1993 at the Branch Davidian compound in Waco, Texas. As a result of subsequent conversations with your staff, the FBI has arranged for an expert selected by the Committee to perform an analysis of the FLIR tapes on behalf of the Committee.

In order to facilitate this review, the FBI has agreed to accommodate the specifications that your expert has requested. In addition, we will make available digital masters of the FLIR tapes from April 19, 1993, which provide higher resolution than the VHS tapes.

Arrangements have been made for the analysis to be conducted in the FBI Laboratory on Tuesday, October 12, 1999 beginning at 10:00 a.m.

We hope that this accommodation satisfies the needs of the Committee and we look forward to working with you on this important oversight matter. If you have any questions, please feel free to contact me.

Sincerely,

John E. Collingwood
Assistant Director
Office of Public and
Congressional Affairs

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

October 6, 1999

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

Dear Mr. Chairman:

This confirms our recent telephone conversations with Committee staff about their request to interview the United States Attorney, Guillermo Gil, in San Juan, Puerto Rico tomorrow. The letter, dated October 1, 1999, from a Committee Senior Counsel, indicated that you are interested in talking with him about recent events at Vieques, including possible decisions about whether or not to prosecute individuals in connection with conduct there.

As we have advised Committee staff, the continuing protest at Vieques and other actions relating to the Navy's use of that island as well as any law enforcement action there remain under consideration within the Department. Consequently, consistent with the Department's policy on pending matters, the United States Attorney will not be in a position to comment on decisions that may have been made up to this point or may be made in the future regarding that matter. The one exception to this pertains to an apparent misunderstanding about a position taken by the U.S. Attorney, which he clarified in a news release on September 9, 1999. A copy of the news release, which was faxed to Committee staff yesterday, is enclosed. In our telephone conversation yesterday, your staff expressed an interest in talking with Mr. Gil about the matters set forth in the news release. Accordingly, as we advised Committee staff late yesterday, Mr. Gil will be available in his office at 2:00 p.m. tomorrow to meet with staff about the news release.

We appreciate your understanding of our concerns about this pending law enforcement matter. Please do not hesitate to contact me if you would like additional assistance regarding this or any other matter.

Sincerely,

Jon P. Jennings
Acting Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

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INDEPENDENT

October 7, 1999

The Honorable Janet Reno
Attorney General
U.S. Department of Justice
10th and Constitution Avenues, N.W.
Washington, D.C. 20530

Dear General Reno:

Under the authority of House Rules X and XI, the Committee on Government Reform is conducting an oversight investigation into events surrounding the Branch Davidian standoff in Waco, Texas. As part of this investigation, the Committee will be requesting interviews with various Justice Department and FBI officials.

The purpose of this letter is to request that three Justice Department officials be made available for interviews with Committee staff the week of October 18: Jeffrey Axelrad, James G. Touhey, Jr., and Marie Hagen. My staff has discussed this matter with the staff of Senator Danforth, who is acting as special counsel in this matter. It is my understanding that Senator Danforth's office will also request to interview these three individuals the same week, prior to interviews with my staff. This arrangement is satisfactory to me.

Prior to these interviews, I would like to reiterate my request of September 10 (attached) for production of all copies of the 49-page report produced to the Committee on September 9. As you will recall, Mr. Touhey's memo to Mr. Axelrad stated, "our database contains multiple copies of the document, most of which contain all 49 pages." The subpoena to the Justice Department requires the production of "any and all originals and identical copies" of the report. In order to be in compliance with the Committee's subpoena, your department is required to produce all copies of the report as they exist in Justice Department files, identifying where each copy was located. It is very important that this material be provided to the Committee prior to the interviews requested above.

Please have your staff contact my Chief Counsel, Jim Wilson (225-5074), to make arrangements for these interviews and production of the aforementioned documents. Thank you for your cooperation.

Sincerely,

Dan Burton
Chairman

enclosure

cc: The Honorable Henry Waxman
Ranking Minority Member, Committee on Government Reform

Mr. Stuart Levey
Office of Special Counsel John Danforth

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INDEPENDENT

8 October 1999

Ms. Faith Burton
Office of Legislative Affairs
Department of Justice
Room 163
Constitution Avenue, N.W.
Washington, D.C. 20530

Re: Production of Waco Documents

Dear Ms. Burton:

Following our visit to your contractor's office to perform an initial survey of documents gathered by the Department of Justice, we have an attached list, derived from the binder you furnished, of documents we wish to be produced. It is important to note, however, that the list of documents requested is not our final list, just an initial list of documents which we need to review first. It is my understanding that the remaining documents will be stored, indefinitely, pending further requests.

Please contact me as soon as possible to discuss a timetable for the Committee to obtain these documents.

Sincerely,

Marc Chretien
Senior Counsel

cc: Ken Ballen

The following information identifies documents listed in the binder provided to the Committee entitled, "Waco Indices of Documents Produced in Response to Subpoena." More detailed descriptions of the documents may be located in that binder.

Documents listed under tab: CSTS

Office of the United States Attorney, W.D. Texas

I. Documents prepared for use in *United States v. Brad Branch, et al*, No. 93-CR-046

# of Docs	Location
3	box 28
130	box 38
21	box 38a
136	box 38b
4	box 45
14	box 47
22	box 54
14	box 58
102	box 59
5	box 60
3	box 63

II. Documents contained in filing cabinets in Room 8119, NY Ave. Building

# of Docs	Location
23	cabinet 1, drawer 2
24	cabinet 1, drawers 4 & 5
27	cabinet 1
72	cabinet 2, drawers 1, 2, & 3

Documents listed under tab: FTCA

All of boxes 5-7
All of boxes 11-13
All of box 15
All of boxes 17-19
All of boxes 27-31
All of box 33
All of boxes 35-36
All of boxes 38-40
All of boxes 42-47
All of boxes 50-51

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INDEPENDENT

8 October 1999

Ms. Eleni P. Kalisch
Office of Public and Congressional Affairs
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535

Re: Production of Waco Documents

Dear Ms. Kalisch:

Following our visit to your office to perform an initial survey of documents gathered by the FBI, we are asking that the following items be produced to the Committee:

1. All items in the "San Antonio 'WACMUR' File"
2. All items in the "Headquarters 'WACMUR' File"
3. All items in the "DOJ Material [Fire & Gas Documents, Fact Folders & DOJ Reports]"
4. All items in the "Laboratory Division" File
5. All items in the "HRT Material [Copies of Material Seized by the US Marshal Service] File"
6. All items in the "Field Office Material" File

It is important to note, however, that the list of items requested is not our final list, just an initial list of items which we need to review first. It is my understanding that the remaining items will be stored, indefinitely, pending further requests.

Please contact me as soon as possible to discuss a timetable for the Committee to obtain these documents.

Sincerely,

Marc Chretien
Senior Counsel

cc: Ken Ballen

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BERNARD SANDERS, VERMONT,
INDEPENDENT

October 12, 1999

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Re: Items Requested by the Committee

Dear General Reno:

I write to draw your attention to the growing number of items that have been requested or subpoenaed by the Committee over the past several months that the Justice Department has failed to produce. The Department's consistent, unexplained tardiness is unacceptable.

A. Documents Relating to John Huang and Charlie Trie

On July 29, 1999, I issued a subpoena requiring the Department to produce all records relating to the investigations of Yah Lin "Charlie" Trie and John Huang. Shortly after I issued the subpoena, Justice Department staff requested guidance on what documents the Committee wanted to receive first, given that the subpoena required the production of a large number of documents. As I have noted previously, my staff told your staff several times that the Committee wished to receive all FBI 302 forms relating to those two investigations. On August 26, I wrote to you to point out the fact that the Committee had still not received any documents responsive to the subpoena. I also pointed out the fact that the closing of the Huang case should have facilitated the immediate production of all FBI 302s relating to John Huang.

Now another month has passed since I issued the subpoena for documents relating to Huang and Trie. I have not received any responsive documents, or any explanation why they have not been produced. I fail to understand why the Justice Department has not provided all 302 forms relating to the John Huang investigation. These interview forms are critically important to the Committee as it begins consideration of immunity for John Huang. As I noted in a letter to you earlier this week, the Justice Department has already delayed the Committee's consideration of immunity for Huang. Now, your

failure to provide these documents presents yet another impediment to the Committee's investigation.

B. Documents Relating to the Charles Parish Investigation

On June 17, 1999, I sent a request to the Federal Bureau of Investigation for all records relating to the investigation of Charles Parish. On June 20, 1999, I sent another letter to Director Freeh, informing him of the importance of receiving the requested documents prior to the Committee's July 29 hearing. I then learned that the FBI had provided the documents to the Justice Department prior to the hearing, but that the Department failed to forward the documents to the Committee, despite the Committee's clear need. On August 3, 1999, I sent a letter to you, requesting the immediate production of the Parish records. After I sent that letter, my staff was informed by your staff that the documents were under review, and would be produced to the Committee in the near future. Almost two months have passed since we received that assurance.

Your failure to produce the Parish records, is again, inexplicable. I have been informed that there are not a great deal of records at issue. Moreover, in light of the D.C. Circuit's new ruling, the records should need little redaction to remove grand jury information. Accordingly, the unexplained delay in responding to my request adds to the perception that you are attempting to impede this Committee's investigations of the campaign fundraising scandal.

C. Questions Regarding Testimony by Line Attorneys

On July 15, 1999, Committee staff met with Public Integrity Section Chief Lee Radek, Deputy Assistant Attorney General John C. Keeney, and Legislative Affairs staffer Faith Burton. During that meeting, Ms. Burton stated that Justice Department line attorneys had been questioned by Congress in the Rocky Flats investigation only because they had spoken to the media previously. On August 3, 1999, I wrote to you and posed several questions related to this position. I have yet to receive a response to those questions. To assist you in providing a response, I will pose the questions again. First, is it true that all Justice Department attorneys made available for Congressional questioning during the Rocky Flats matter had spoken to the media? Second, is it the Department's position that contacts with the media should be considered relevant to the decision to make Department attorneys available to Congressional committees?

The Committee is interested in receiving an answer to these questions, as well as a clear statement of the Justice Department's position on Congressional questioning of line attorneys. I have made several requests to interview line attorneys, but have received considerable resistance from the Department. I would be disappointed to learn that the Department used a more lenient standard to permit questioning of line attorneys by Chairman Dingell's committee.

D. Request for Review of Freeh and La Bella Memoranda

On September 17, 1999, at the conclusion of the Committee's interview of Lee Radek, Committee staff requested that the Department make the Freeh and La Bella memoranda regarding the appointment of an independent counsel for campaign finance available for further review by the Committee. In light of the D.C. Circuit's new ruling on Rule 6(e), substantial portions of the memos should be unredacted and made available to the Committee. As you will recall, you allowed the memoranda to be reviewed by myself and Committee staff last year. Therefore, I can see no reason that you would not permit me and Committee staff to review the memos again, in their less redacted format.

E. Response to Committee Subpoena Regarding Press Leaks

On August 4, 1999, I issued four subpoenas to the Justice Department. One of those subpoenas called for all records relating to investigations of unauthorized leaks from the Justice Department. I attached to the subpoena nine newspaper articles that cited Justice Department or law enforcement sources. The Committee has not received any response to this subpoena. If the Department has documents responsive to the subpoena, they are long overdue. If the Department does not have any responsive documents, please confirm that fact in writing.

As you know, this Committee approved a contempt citation against you in the past for failing to comply with a subpoena. Your failure to comply with the Committee's requests could result in the same action being taken again. Please provide a reply to this letter by October 15, 1999. If you have any questions about this matter, please have your staff contact the Committee's Chief Counsel, James C. Wilson, at 225-5074.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

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BERNARD SANDERS, VERMONT,
INDEPENDENT

October 13, 1999

Attorney General Janet Reno
United States Department of Justice
Tenth Street & Constitution Avenue N.W.
Washington, D.C. 20530

Re: Request for Documents

Dear General Reno:

I am writing to request the Department of Justice to produce certain records to the Committee. According to the enclosed Department of Justice press release, Silvia Baraldini was transferred from the United States to Italy. Please produce the transfer request made under the Council of Europe Convention on the Transfer of Sentenced Persons (the Strasbourg Convention). Also, please produce supporting documents under Articles 6, 10, and 11 of the Strasbourg Convention, all exclusionary declarations, the immunity assurance agreement, and all compliance documents. Please provide the requested documents to the Committee by October 19, 1999.

If your staff has any questions about this request, please have them contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074. Thank you for your cooperation.

Sincerely,

Dan Burton
Chairman

Enclosure

FOR IMMEDIATE RELEASE

CRM

TUESDAY, AUGUST 24, 1999

(202) 514-2007

WWW.USDOJ.GOV

TDD (202) 514-1888

DEPARTMENT OF JUSTICE STATEMENT
REGARDING THE TRANSFER OF SILVIA BARALDINI

The governments of the United States and Italy have agreed to the transfer of inmate Silvia Baraldini, a 51-year-old Italian national who has been living in the United States since 1961, pursuant to the Council of Europe Convention on the Transfer of Sentenced Persons (the Strasbourg Convention). Today, Baraldini's consent to the conditions of the transfer was verified at a hearing before United States Magistrate-Judge Michael H. Dolinger in the Southern District of New York.

Baraldini will now be turned over to Italian authorities, who will transport her to Italy to continue serving her sentence. Under the agreement, she will serve the entire sentence imposed on her by the American courts, but will serve the remainder of that sentence in Italy. It was further agreed that she will serve the sentence in a manner that is similar to that under which she would have served her sentence in the United States.

In September 1983, Baraldini was convicted of racketeering and conspiracy under federal Racketeer Influence and Corrupt Organization (RICO) statutes for her participation in the affairs of a terrorist group. The group committed a series of armed robberies of armored trucks in which two Brinks guards and two Nyack, N.Y., police officers were killed. Baraldini also was convicted of participating in the attempted armed robbery of an armored truck and the breaking out of prison of Joanne Chesimard, a group associate who was serving a life sentence for killing a New Jersey state trooper.

Baraldini was sentenced to 40 years imprisonment for those offenses. In a second, subsequent trial, she was convicted of serious criminal contempt and was sentenced to three additional years in prison. With two brief interruptions before her first trial, Baraldini has been in prison since November 1982. She is scheduled for mandatory release in March 2008 based on her accumulated good conduct time credits.

Baraldini has served approximately 16 years of her sentence. Italy has guaranteed that Baraldini will serve the remaining nine years of her sentence if she is transferred to Italy, and has secured the necessary judicial and executive approvals to enforce that guarantee, including the approval of the conditions and confirmation of the sentence by the Italian Court of Appeals in Rome.

This transfer is the result of many years of discussion between-the

OCT-15-1999 09:07 P.01/02

U.S. Department of Justice

Office of Legislative Affairs

Washington, D.C. 20530

FAX COVERSHEET

Date: 10/14/99

To: Kristi Remington

Phone No.: 225-5074

Fax No.: 225-5127

From: Dave Blake

Phone No.: 202-[redacted]

Fax No.: 202[redacted]

No. of Pages: 1 **(Excluding Cover)**

Comments: Attached, please find a more legible copy of document number 10120014 which was originally sent to you on October 12, 1999. Please give me a call if you have any questions. Thank you.

Telephone Number Listing Report
MSCI ALLENWOOD

Register Number: 03567069
Name : CAMACHO-NE, ANTONIO
Mailbox Number :
Living Unit : NO

Approved Telephone Numbers

203-[redacted]	03-NOV-93	GLORIA GERENA/FRIEND
212-[redacted]	26-JAN-98	RADAEL CARAH FRIEND
216-[redacted]	26-NOV-97	JERNETT FRIEND
254-[redacted]	14-APR-99	JOSE CAMACHO SON
385-[redacted]	14-APR-99	VERONICA CAMACHO DAUGHTER
385-[redacted]	17-FEB-99	CHILDRENS HOME
718-[redacted]	03-NOV-93	NINFA CAMACHE/SISTER
718-[redacted]	18-JAN-95	MARILYN CAMACHO, SISTER
773-[redacted]	22-SEP-97	SLUSER JAN LAWYER
773-[redacted]	16-JAN-98	JAN SUSLER ATTORNEY
773-[redacted]	26-NOV-97	MICHAEL ATTORNEY
787-[redacted]	04-FEB-97	NIEVES FALCON LAWYER
787-[redacted]	22-SEP-97	NIEVES LAWYER
787-[redacted]	01-JUL-97	
787-[redacted]	22-SEP-97	NEREIDA RODRIGUEZ
787-[redacted]	22-SEP-97	IVONNE HERNANDEZ FRIEND
787-[redacted]	04-FEB-97	TERESA QUINONEZ MOTHER IN LAW
787-[redacted]	22-SEP-97	CHILDRENS AUNT
787-[redacted]	04-FEB-97	SANTIA LUGO CHILDRENS MOTHER
787-[redacted]	17-FEB-99	CAMILO CAMACHO BROTHER
787-[redacted]	17-FEB-99	PETER BOSCOWITZ ATTORNEY
787-[redacted]	17-FEB-99	LINDA BALKIEL ATTORNEY
787-[redacted]	17-FEB-99	FRANCISCO TORRES FRIEND
787-[redacted]	17-FEB-99	MARTINO CAMACHA NEPHEW
787-[redacted]	17-FEB-99	MARINO CAMACHA BROTHER
787-[redacted]	02-JAN-98	SILGIA FRIEND
914-[redacted]	17-FEB-99	BARETH RHODES FRIEND

10120014

TOTAL P.02

U.S. Department of Justice

Federal Bureau of Investigation

OCT 22 1999

Washington, D.C. 20535

October 14, 1999

Mr. James Wilson
Chief Counsel
House Committee on Government Reform
Washington, DC 20515

Dear Mr. Wilson:

On Tuesday, October 12, 1999, at the Committee's request, the FBI arranged for Mr. Carlos Ghigliotti, an individual retained by the Committee, to review digital master copies of the Forward Looking Infrared (FLIR) videotapes made by the FBI on April 19, 1993 at the Branch Davidian compound near Waco, Texas. Following Mr. Ghigliotti's review of portions of the FLIR digital masters, you contacted me with regard to the accessibility of the original FLIR tapes.

As explained in yesterday's meeting with Mr. Ghigliotti and Committee staff, the FBI's FLIR has the capacity to make two VHS recordings simultaneously. In order to provide continuous coverage, however, the starting time of these tapes is staggered. We have been able to locate seven FLIR tapes from April 19, 1993, the status of which is as follows:

- The first tape begins at 5:58 a.m. and ends at 8:00 a.m with a corresponding tape which begins at 5:57 a.m and ends at 7:57 a.m. Both of these tapes have been in the custody of the United States Marshals Service since September 1, 1999, and were transported to the Court on October 1, 1999. We believe that the tape from 5:58 a.m. to 8:00 a.m. is an original but we have been unable to make such a determination regarding the corresponding tape from 5:57 a.m. to 7:57 a.m.

Mr. James Wilson

- The second FLIR tape begins at 7:57 a.m. and ends at 9:28 a.m. when the first crew shift finished. We have been unable to locate any corresponding tape for this period nor have we been able to determine if the copy we have is an original. This tape has also been in the custody of the U.S. Marshals since September 1, 1999, and was also transported to the Court on October 1, 1999.

- The third FLIR tape begins at 10:42 a.m. and ends at 12:16 p.m. This tape was located in the FBI's investigative file and is believed to be the original. The corresponding tape begins at 10:41 a.m. and ends at 12:41 p.m. Our files contain several copies of this tape but we have been unable to locate the original of this corresponding tape. Both the original FLIR tape and a copy of the corresponding tape are pending delivery to the Court.

- The fourth FLIR tape begins at 12:16 p.m. and ends at 1:39 p.m. This tape was also located in the FBI's investigative file and is believed to be the original. The corresponding tape begins at 12:41 p.m. and ends at 2:01 p.m. The tape, however, was only recording from 12:41 p.m. to 1:39 p.m., 1:56 p.m. to 1:56 p.m., and from 1:59 p.m. to 2:01 p.m. and contains only an additional 4 minutes of tape when compared to its counterpart. Our files contain several copies of this tape but we have been unable to locate the original of this corresponding tape. Both the original FLIR tape and a copy of the corresponding tape are pending delivery to the Court.

As you and I discussed yesterday, the third (10:42 a.m. to 12:16 p.m.) and fourth (12:16 p.m. to 1:39 p.m.) original videotapes are still in the custody of the FBI. You advised that Chairman Burton has contacted Judge Walter Smith and received his authorization to access and review these two original videotapes prior to their delivery to the Court.

Mr. James Wilson

Based on the Chairman's conversation with the Judge, the FBI will make the third and fourth original videotapes available for the Committee on Friday, October 15, 1999 at 9:00 a.m. in the FBI Laboratory.

If you have any questions, please feel free to contact me.

Sincerely,

Eleni P. Kalisch
Special Counsel
Office of Public and
Congressional Affairs

U.S. Department of Justice

Criminal Division

Assistant Attorney General

Washington, D.C. 20530

October 14, 1999

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

Dear Mr. Chairman:

This is in response to your letter of September 28, 1999, to Attorney General Reno. As you are aware, on July 15, Deputy Assistant Attorney General John C. Keeney and Public Integrity Section Chief Lee Radek briefed Committee staff.

That briefing provided information about the reasons that this Department declined to prosecute Deputy White House Counsel Cheryl Mills. During that briefing, congressional staffers were given a concise and complete listing of the reasons that a criminal prosecution for perjury or obstruction of a congressional inquiry could not and should not be brought against Ms. Mills.

As an accommodation to staff members, Mr. Keeney and Mr. Radek then answered a number of questions and engaged in a frank conversation concerning the Mills matter and the reasoning that takes place in making prosecutorial decisions. During that part of the meeting, Mr. Radek pointed out that one minor factor at play in assessing this as a potential prosecution was that the defendant would have witnesses available from among the group that was allegedly victimized, members of the Subcommittee itself, who would testify that they believed that Ms. Mills' conduct did not obstruct their inquiry and that the statements were not false or material, a factor that would complicate any prosecution and raise doubt among the jury.

If the victim denies that the crime occurred, a successful prosecution is far less likely. This is not to say that it renders a prosecution impossible, for example, if it can be

demonstrated that the victim is recanting previous credible statements, or is refusing to cooperate because of fear of the defendant, or, as might be argued here, that the victim's testimony is influenced by partisan considerations. However, such potential testimony clearly would complicate any prosecution, and is a legitimate factor in deciding whether a case should be brought, as Mr. Radek was explaining. I am also informed that Mr. Radek explained that while this factor would constitute a problem at trial if the case were to go forward, it was not a determinative or even important factor in the decision to decline prosecution in this case. Mr. Keeney also emphasized this point.

Consideration of this factor in deciding whether to bring a case is a straightforward assessment of the evidence that likely would have been introduced at trial and its potential effect on a jury; indeed, a prosecutor would be seriously remiss in ignoring such evidence in deciding whether to bring a case. Mr. Radek's remarks were intended to be a frank discussion of the kinds of factors that prosecutors must consider.

Prosecutive decisions of the Criminal Division and its Public Integrity Section are made on the merits. Any implication to the contrary in this matter is simply wrong.

Sincerely,

James K. Robinson
Assistant Attorney General

cc: The Honorable Henry A. Waxman
Ranking Minority Member

The Honorable David McIntosh
U.S. House of Representatives

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BERNARD SANDERS, VERMONT,
INDEPENDENT

October 19, 1999

The Honorable Janet Reno
Attorney General
U.S. Department of Justice
Tenth and Constitution Avenue, N.W.
Washington, DC 20530

Dear General Reno:

I am greatly concerned that the Federal Bureau of Investigation was not permitted to submit a written statement at the September 21, 1999, Committee on Government Reform hearing on the F.A.L.N. clemency matter. The Committee requested a statement, the F.B.I. drafted a statement, and this statement was submitted to the Department of Justice for approval. It is my understanding that your staff had this statement for over one week, so there was sufficient time to make the necessary redactions to accommodate the President's claim of executive privilege. Indeed, after the hearing, when we ultimately obtained the document pursuant to a Committee subpoena, we found that only a few lines were redacted from the seven page document. From what we ultimately received, it was clear that the Presidential claim of executive privilege did not present any weighty issues for your staff to resolve.

I am particularly concerned because I wrote you a letter specifically about this matter before the hearing. My Chief Counsel had been informed that the Justice Department had withheld permission for the F.B.I. to submit a written statement. Consequently, I wrote directly to you requesting that you permit the F.B.I. to submit a written statement. Even though your staff allowed the Federal Bureau of Prisons to submit a statement, and provided instructions to them as late as 9:30 p.m. on the night before the hearing, the F.B.I. was prevented from submitting a statement.

I am extremely concerned about this cavalier treatment of Congress. When we received the F.B.I.'s statement, I could understand why someone protecting the President's political interests might have wanted it to be kept from the public. I do not understand, however, why the Attorney General of the United States would allow Congress to be treated so shabbily. Therefore, I request an explanation as to why the Justice Department kept the statement from Congress and the American people.

When Congress has to subpoena the Attorney General to turn over a statement prepared by the F.B.I. for a Congressional hearing, it becomes abundantly clear that someone at the

Department of Justice is not acting in the interests of the American people. Please provide an explanation, in writing, of why the F.B.I. was not permitted to submit an opening statement for the Committee's September 21, 1999, hearing. I would appreciate a response by October 22, 1999. If your staff has any questions about this matter, please contact my Chief Counsel, James C. Wilson.

Sincerely,

Dan Burton
Chairman

cc: Director Louis J. Freeh, Federal Bureau of Investigation
Jon Jennings, Principal Deputy Assistant Attorney General, Office of Legislative Affairs
Honorable Henry A. Waxman, Ranking Minority Member

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JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

October 19, 1999

The Honorable Janet Reno
Attorney General
U.S. Department of Justice
Tenth and Constitution Avenue, N.W.
Washington, DC 20530

Dear General Reno:

Men, women and children have been permitted to trespass on the Vieques, Puerto Rico, military testing ground for many months. There are, at present, four encampments with full time residents. One of these camps is not on the perimeter of the island, and requires the occupants to traverse areas where there are live bombs. I am particularly concerned for the safety of these individuals. The testing ground -- and the waters around it -- are filled with live bombs. While I understand the nature of the ongoing political protest, I have grave concerns that the presence of the protesters presents a risk of terrible tragedy. In fact, military personnel do not enter the area where some are camped without ordnance specialists. Given the fact that children have also been on the testing grounds, it is simply not enough to say that the individuals are responsible for their own destiny. If you are not prepared to permit that explanation to stand for those adults who have elected to smoke cigarettes, you certainly cannot allow that explanation to stand where people are living in the midst of unexploded bombs. Furthermore, as the head of the Department of Justice, which defends against legal claims brought against the United States of America, you should not contribute to the possibility of an expensive lawsuit that would cost taxpayers a significant amount of money.

While you might rationalize the decision to refrain from removing those trespassing in this very dangerous area, what will you say if a tragedy occurs and men, women or children are killed? It is my understanding that the Acting United States Attorney in Puerto Rico has publicly announced that he will prosecute individuals who endanger themselves by handling live ordnance on Vieques. This legalistic distinction, however, does not discourage individuals who are trespassing and who might not be able to understand the difference between live and inert bombs. There have already been a number of reported examples of individuals handling ordnance from the Vieques testing grounds. It would be small consolation indeed to say after a tragic death has occurred that you would have prosecuted the recently deceased.

Simply put, the current Department of Justice policy encourages people to break the law. If that were all, I would have strenuous objections. In the case of Vieques, however, the United States government is allowing people to place themselves in considerable risk. I believe it is a dereliction of your duty as Attorney General to turn a blind eye to the possibility of terrible tragedy.

I am also concerned that the Department of Justice has not followed evidence that indicates live ordnance has been taken from the island of Vieques. There appears to be a purposeful effort by the Department of Justice to ignore evidence. When my staff recently visited San Juan and spoke with F.B.I. employees, they were told that the F.B.I. could not verify that one individual had been handling unexploded military ordnance. My staff, however, spoke with at least one eyewitness to such an occurrence, and the names of other witnesses were offered. These people apparently have not been contacted. This leads me to conclude that some in your employment find it convenient not to know the answers to questions where Vieques is concerned. Again, there is a real risk of tragedy in this situation. If individuals have handled any type of military ordnance obtained from Vieques, there can be no guarantee that they will not harm themselves or other more innocent bystanders.

The Justice Department should neither condone unlawful conduct, nor should it stand idly by while people place themselves at risk. It would be one thing if you were unaware of the potential for tragedy. Here, however, you have been fully forewarned. If you have any questions, please do not hesitate to call me immediately

Sincerely,

Dan Burton
Chairman

cc: Rear Admiral Kevin Moran, Commander Navy Region Southeast
Director Louis J. Freeh, Federal Bureau of Investigation
Jon Jennings, Principal Deputy Assistant Attorney General, Office of Legislative Affairs
Hon. Henry A. Waxman, Ranking Minority Member

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BERNARD SANDERS, VERMONT,
INDEPENDENT

October 19, 1999

Director Louis J. Freeh
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, DC 20535

Dear Director Freeh:

Pursuant to the Committee on Government Reform's ongoing investigation into the Waco tragedy, I request that you provide information about analyses conducted by or for the Department of Justice or the Federal Bureau of Investigation of the FBI's April 19, 1993, forward looking infrared imagery ("FLIR) tapes. Specifically, I would like to know the following:

1. The date each analysis of the April 19, 1993, FLIR tapes was commenced;
2. The date of completion of each analysis of the April 19, 1993, FLIR tapes;
3. The individual in charge of each analysis of the April 19, 1993, FLIR tapes.

Please provide this information to the Committee by 5:00 p.m. on Friday, October 22, 1999. If you have any questions about this request please have your staff contact my Chief Counsel, James C. Wilson.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: Hon. Henry A. Waxman, Ranking Minority Member

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INDEPENDENT

October 21, 1999

Faith Burton
Congressional Liaison
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

Dear Ms. Burton:

When Committee staff met with you at Aspen Systems to inspect the collection of Waco-related documents being processed there, we were told that text-searchable electronic versions of the documents were not available and that we would be receiving image-only versions. However, documents reviewed by Committee staff on October 19, 1999 at the Department of Justice (DOJ) indicate that DOJ does in fact have the capability to perform text searches on electronic versions of Waco-related documents.

For example, a memo from Marie Hagen (WWC095-0020–0025) refers to a system called, "Concordance" which her staff received on July 23, 1999 and which they were trained to operate on August 5, 1999. Jim Touhey discovered the documents referring to pyrotechnic rounds by using this system to search for the term "bubblehead" after seeing the term in a June 17, 1996 statement by plaintiff's expert Richard Sherrow (WWC095-0058–0062).

The electronic copies of documents provided to the Committee to date are merely image-only Tagged Image Format (TIF) files. The text information from the process of Optical Character Recognition (OCR) has not been included, despite indications cited above that at least a subset of Waco-related documents have gone through the process of OCR.

This raises two issues. First, we would like to work with you and Aspen systems to overcome any technical hurdles there may be to providing the Committee with complete and intact electronic copies of any documents produced — including underlying OCR text if it exists. The OCR text itself is a "record" as defined in, and is therefore subject to, our subpoena. We understand that OCR text is not 100 percent accurate, that it does not capture handwriting, and that the image is ultimately the true representation of the original document. However, for the same reasons DOJ finds it helpful for indexed text searches, so would the Committee.

Second, we would also like to provide a series of text searches that can be used to define prioritized subsets of documents for production pursuant to our subpoena. Please contact me at your earliest convenience to discuss this matter further.

Sincerely,

Marc Chretien
Senior Investigative Counsel

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BERNARD SANDERS, VERMONT,
INDEPENDENT

October 21, 1999

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Re: Investigation by the Southern District of New York

Dear General Reno:

For the past two years, the Committee on Government Reform has conducted an investigation into potentially illegal acts by Orlando Castro Llanes and Charles A. Intriago. It is my understanding that the office of the U.S. Attorney for the Southern District of New York has conducted an investigation into allegations of obstruction of justice by Intriago and Castro. Please inform the Committee of the status of that investigation, including the identity of the targets of the investigation.

Please provide the requested information by October 28, 1999. If you have any questions about this matter, please do not hesitate to contact the Committee's Chief Counsel, James C. Wilson, at 225-5074.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

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BERNARD SANDERS, VERMONT,
INDEPENDENT

October 22, 1999

The Honorable Louis Freeh
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue N.W.
Washington, D.C. 20535

Re: Request Regarding OPR Investigation

Dear Director Freeh:

The Committee on Government Reform has been conducting an investigation of a number of issues relating to improper access to federal law enforcement information. As part of that investigation, the Committee has been investigating an attempt to improperly access and release information from the NADDIS database.

I am writing to ask whether FBI personnel have been subject to investigation by the FBI's Office of Professional Responsibility for improper access to or release of NADDIS or NADDIS-X records relating to Orlando Castro Llanes. If the FBI OPR has conducted such an investigation, please provide all records relating to the investigation to the Committee.

Please provide the requested records by October 29, 1999. If you have any questions about this request, feel free to contact the Committee's Deputy Counsel and Parliamentarian, David A. Kass, at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman, Ranking Minority Member

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

October 22, 1999

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

Dear Mr. Chairman:

This is in further response to your letters of September 7, 1999 requesting the Department's opinion on the Committee seeking immunity for John Huang pursuant to 18 U.S.C. § 6005. In our September 10, 1999 letter, we stated that the Federal Bureau of Investigation had informed the Department that granting immunity to Mr. Huang at that time could threaten substantial harm to the investigation that the Campaign Financing Task Force was conducting of Mr. Huang regarding possible espionage or national security offenses. We explained that the FBI had authorized the Department to inform the Committee that it anticipated completing the pending phase of the investigation within 60 days of September 10 and, at that time, the Department and FBI would be able to advise the Committee on whether the FBI needed more time to complete the investigation.

The FBI has now informed the Department that it has determined that the Committee seeking court-ordered immunity for Mr. Huang would no longer pose a significant threat to its ongoing investigation. Although the Bureau has not yet closed the investigation, it has concluded that the investigation has reached the stage that it should not prevent the Committee from obtaining Mr. Huang's testimony. Accordingly, the Department and Bureau withdraw our objection to the Committee requesting the Court to grant immunity to John Huang and compel him to testify pursuant to 18 U.S.C. § 6005. We also hereby waive the requirement of 18 U.S.C. § 6005(b)(3) that the Committee provide the Department with ten days' advance notice of its intention to seek an immunity order for Mr. Huang and compel his testimony. In addition, the Department does not intend to exercise its authority under 18 U.S.C. § 6005(c) to file an application with the District Court for a deferral of no more than twenty days in the Court's issuance of an immunity order for Mr. Huang.

We are pleased that we have been able to resolve this issue regarding immunity for Mr. Huang. Please do not hesitate to contact me if I may provide you with additional information.

Sincerely,

Jon P. Jennings
Principal Deputy Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

October 22, 1999

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

Dear Mr. Chairman:

In your letter of October 13, 1999, you requested that the Department of Justice produce certain records to the Committee concerning the transfer of Silvia Baraldini to Italy to serve the remainder of her prison sentence. In response to that request, please find enclosed the following documents:

1. A letter dated April 14, 1998, from Attorney General Janet Reno to Giovanni Maria Flick, the Italian Minister of Grace and Justice, denying Italy's fifth transfer request for Silvia Baraldini. (1-2)

2. Italy's sixth request pursuant to the Council of Europe Convention on the Transfer of Sentenced Persons (the Strasbourg Convention) for the transfer of Silvia Baraldini, dated August 6, 1998. (3-8)

3. A letter dated May 25, 1999, from Assistant Attorney General James K. Robinson to Giorgio Lattanzi, the General Director for Penal Affairs in the Italian Ministry of Grace and Justice, stating that the United States was prepared to approve the transfer of Silvia Baraldini if Italy would guarantee that she would serve her prison sentence in a manner approximating that under which she would continue to serve her sentence in the United States. (9-10)

4. The final versions of Appendices A ("Guarantees to be agreed to by the Government of Italy prior to the transfer from the United States of Silvia Baraldini") and B ("Current conditions of confinement for Silvia Baraldini") referenced in Mr. Robinson's letter, with a cover letter dated June 4, 1999. (11-15)

5. A letter dated July 28, 1999, from Oliviero Diliberto, the Minister of Grace and Justice, to Attorney General Janet Reno stating that Italy had agreed to all the conditions requested by the United States, and informing the Attorney General that the Appeals Court of Rome had confirmed the conditions of the agreement when it recognized Silvia Baraldini's convictions and sentences for the purpose of making them enforceable under Italian law. (16-20)

6. The Sentenza (judgment) of the Appeals Court of Rome with a translation supplied by the Ministry of Grace and Justice (this translation was independently reviewed by the Department's representative in Rome), stating, inter alia, that Baraldini's sentence will be continued, as provided for in Article 10 of the Strasbourg Convention. (Since the sentence was continued under Article 10, there are no documents relating to converting the sentence under Article 11 of the Convention.) (21-45)

7. The order by the Appeals Court of Rome making corrections to the Sentenza. The offenses and sentences were correct, but the Sentenza had referenced both convictions as being in the Eastern District of New York (one was in the Southern District of New York). (Note that the Appeals Court of Rome had incorrectly set Baraldini's release date as July 29, 2008, but since the correct date of March 29, 2008, was earlier, the matter could be handled administratively; the March 29, 2008, date is cited in Minister Diliberto's letter of July 28, 1999 [item 5].) (46-56)

8. The information on the Administration of the Sentence provided by the United States to Italy pursuant to Article 6 of the Strasbourg Convention. (57)

9. The Satisfaction of Judgment showing that Silvia Baraldini's $50,000 fine was paid. (58-59)

10. A press release dated August 24, 1999 (the date of Baraldini transfer to Italy), by Minister of Grace and Justice Oliviero Diliberto on the outcome of the Baraldini transfer. (60-62)

11. A press release dated August 26, 1999, by Minister of Grace and Justice Oliviero Diliberto reaffirming Italy's intention to abide by the commitments made to the United States as to the service of Baraldini's sentence in Italy. (63)

We believe that these documents are the materials you requested. We are unsure to what else the letter is referring when it asks for "all exclusionary declarations, the immunity assurance agreement, and all compliance documents." Should you want any additional documents, we will, of course, try to provide them.

Sincerely,

Jon P. Jennings
Principal Deputy Assistant Attorney General

Enclosures

cc: The Honorable Henry A. Waxman
Ranking Minority Member

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

October 26, 1999

The Honorable Dan Burton
Chairman
Committee on Government Reform
U.S. House of Representatives
Washington, DC 20515-6143

Dear Mr. Chairman:

This responds to your letters, dated October 19, 1999, to the Attorney General and to the Director, Federal Bureau of Investigation, which requested information about analyses conducted by or for DOJ or FBI of the FBI's April 19, 1993, forward looking infrared imagery ("FLIR") tapes. In response to your requests, we are providing you with the commencement date of each analysis, the completion date (where complete) of each analysis, and the individuals in charge of each analysis.

A. Maryland Advanced Development Laboratory (MADL)
   1. Commenced: June 6, 1997 (update of analysis for the Washington Post)
   2. Completed: June 6, 1997
   3. Individual in charge: Norris Krone, Ph.D.

B. MADL (alleged gunshots analysis)
   1. Commenced: August 15, 1999
   2. Completed: not completed
   3. Individual in charge: Tom Ippolitto

C. MADL (fire development analysis)
   1. Commenced: approx. August 16, 1999
   2. Completed: September 3, 1999
   3. Individual in charge: Tom Ippolitto

D. The FLIR tapes also were analyzed in 1993 in connection with the fire and arson investigations. We do not know the precise dates the analyses started and were completed, but we refer the Committee to page five of the *Fire Investigation Report* issued on July 13, 1993, by Paul Gray, John Ricketts, William Cass, and Thomas Hitchings (a copy is set forth as Appendix D to the Report to the Deputy Attorney General, dated October 8, 1993), and to the *Fire Development Analysis* submitted to the Department on September 8, 1993, by Professors James Quintiere and Frederick Mowrer

of the University of Maryland. Professors Quintiere and Mowrer relied extensively on the FLIR tape in their analysis of the development of the fire. The copy of their report furnished to Congress in 1995 bears bates-stamp numbers WACO 000961 through 001186.

In addition, Dr. I. William Ginsberg has reviewed the FLIR tapes in connection with his review of the scientific basis of the work of Dr. Edward Allard, plaintiff's expert, but Dr. Ginsberg has not analyzed the tapes.

I hope that this information is helpful. Please do not hesitate to contact me if you would like additional assistance regarding this or any other matter.

Sincerely,

Robert Raben
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

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BERNARD SANDERS, VERMONT,
INDEPENDENT

October 26, 1999

Faith Burton
Senior Special Counsel
Office of Legislative Affairs
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Re: Huang 302's Produced by the Justice Department

Dear Ms. Burton:

Please provide separate, legible copies of the attached page, Bates Numbers DOJ-H000197 and DOJ-H000198. In addition, Bates Number DOJ-H000162 was not included in the Department of Justice production. Thank you for your attention to this matter.

Sincerely,

James C. Wilson
Chief Counsel

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

October 28, 1999

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

Dear Mr. Chairman:

This is in further response to Section A of your letter of October 8, 1999. Our letter of October 15, 1999 transmitted to the Committee 285 pages of FBI 302s of debriefing interviews of John Huang. Approximately 20 pages of the 302s were redacted to protect the ongoing investigation of potential espionage and national security matters regarding Mr. Huang. As you know, by our letter of October 22, we informed the Committee that the FBI had determined that the Committee seeking court-ordered immunity for Mr. Huang would no longer pose a significant threat to the ongoing espionage and national security investigation.

Consistent with that determination, we are providing the Committee with copies of the unredacted 302s that the FBI had previously redacted to protect the investigation. Enclosed please find pages DOJ-H286 through DOJ-H306. These pages are unredacted versions of pages DOJ-H238 through DOJ-H258 that the Department provided the Committee on October 15. As is true for the 302s that we provided on October 15, the Privacy Act would prohibit our public disclosure of the 302s and the information that they contain, but we are providing them to the Committee in response to its oversight request. See 5 U.S.C. 552a(b)(9). We understand that since public release of these documents may implicate personal privacy or other compelling interests, the Committee staff will meet with representatives of the Bureau and Department to make necessary redactions prior to any public release of the documents.

Please feel free to contact me if you wish to discuss any of the above matters further.

Sincerely,

Robert Raben
Assistant Attorney General

Enclosures

cc: The Honorable Henry Waxman
Ranking Minority Member

DAN BURTON, INDIANA
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
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ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

MAJORITY (202) 225–5074
MINORITY (202) 225–5051
TTY (202) 225–6852

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HAROLD E. FORD, JR., TENNESSEE
JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

November 1, 1999

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Re: Grant of Immunity for Yah Lin "Charlie" Trie

Dear General Reno:

I am writing to formally request your opinion on a grant of immunity by the Committee on Government Reform to Yah Lin "Charlie" Trie.

Charlie Trie, along with John Huang, is one of the central figures in the campaign fundraising scandal of 1996. The Committee and the American people have waited for a long time to hear testimony from Mr. Trie. Mr. Trie has repeatedly invoked his Fifth Amendment rights in response to inquiries from the Committee. More recently, in 1999, Mr. Trie pled guilty and began cooperating with the Justice Department's campaign fundraising investigation. I attempted to delay Mr. Trie's sentencing and obtain his cooperation before he was sentenced. Unfortunately, you did not agree with my request, and Mr. Trie has now been sentenced without providing any cooperation to this Committee. However, in recommending a sentence of three years probation to the sentencing court in Arkansas, your prosecutors stated that Mr. Trie had been "cooperative and truthful" throughout his interviews with Justice Department staff. I hope to obtain the same cooperation from Mr. Trie.

Mr. Trie has now been sentenced by Judge Howard, and I can see no reason why the Justice Department should object to a grant of immunity by the Committee to Mr. Trie. As the Committee would like to vote on a grant of immunity prior to the recess, please respond to my request by November 3, 1999.

In addition to requesting the Justice Department's opinion on a grant of immunity to Mr. Trie, this letter serves as formal notice under 18 U.S.C. § 6005(b)(3) that the Committee may proceed to request such an order for Mr. Trie. In addition, this letter serves as a request that the Department of Justice waive its rights under 18 U.S.C. § 6005(c) to request a deferral of the district court's order granting immunity to Mr. Trie.

Please have your staff contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074, if you have any questions or need any additional information about this matter.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

November 4, 1999

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

Dear Mr. Chairman:

This is in response to your letter of October 21, 1999 regarding Orlando Castro Llanes and Charles A. Intriago. As you know, longstanding Department of Justice policy severely limits what Department officials may say about whether we have undertaken a criminal investigation about a specific matter, as well as the status of any open criminal investigation or who its targets may be. I can, however, assure you that the Department, including all of the United States Attorney's Offices, conducts its criminal investigations thoroughly and carefully and seeks to bring criminal charges when the law and facts so warrant.

Please do not hesitate to contact me if I may be of further assistance on this or any other matter.

Sincerely,

Robert Raben
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

DAN BURTON, INDIANA,
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
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ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

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RANKING MINORITY MEMBER

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HAROLD E. FORD, JR., TENNESSEE
JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

November 5, 1999

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Re: Documents Relating to John Huang and Yah Lin Trie

Dear General Reno:

I am writing to request that the Justice Department provide documents relating to John Huang and Yah Lin "Charlie" Trie. All of the requested items are responsive to the Committee's subpoena of July 29, 1999.

First, I request that the Justice Department provide all records of interview of individuals relating to the investigation of John Huang. As you know, the Department has already provided the Committee with copies of all FBI 302s for John Huang. These additional 302s, of other individuals involved in the Huang investigation, would greatly assist the Committee in evaluating Mr. Huang's forthcoming testimony, as well as determining whether other witnesses should be called at public hearings.

Second, I request that the Department provide all records of interview relating to the investigation of Yah Lin "Charlie" Trie, including all FBI 302s for Mr. Trie. As you know, I have requested these 302s on a number of occasions since my July 29, 1999, subpoena. Now that Mr. Trie has been sentenced, I can see no reason why the Justice Department would continue to withhold these documents.

As you know, I have requested your opinion on a grant of immunity for Mr. Trie, and I plan an immunity vote for Mr. Trie in the near future. In addition, I am planning to hold hearings on Mr. Huang in the near future. Therefore, please provide the subpoenaed documents by November 12, 1999. Please contact the Committee's Chief Counsel, James C. Wilson, if you have any questions about this request.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

November 9, 1999

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

Dear Mr. Chairman:

This is in response to your letter of November 1, 1999 requesting the Department's views on the Committee seeking immunity for Yah Lin ("Charlie") Trie pursuant to 18 U.S.C. § 6005 so that he could present public testimony before the Committee. As we have discussed with Committee staff, the Department has no objection to Mr. Trie testifying publicly about most matters that may be of interest to the Committee. Based on assessments provided by Department attorneys and FBI agents on the Campaign Financing Task Force, however, we have determined that Mr. Trie's testimony at this time on certain matters could threaten substantial harm to two ongoing criminal investigations.

We understand from our discussions with Committee staff that the Committee recognizes the importance of protecting these ongoing investigations and will develop a protocol that will assure that, if Mr. Trie were to testify before the Committee under court-ordered immunity, he would not be questioned about, or be permitted to testify about, any subject that could compromise the ongoing investigations. If the Committee is able to develop a mutually-acceptable protocol to protect the ongoing investigations, then the Department would not object to the Committee requesting the Court to grant immunity to Charlie Trie and compel him to testify pursuant to 18 U.S.C. § 6005. In such a case we would also waive the requirement of 18 U.S.C. § 6005(b)(3) that the Committee provide the Department with ten days' advance notice of its intention to seek an immunity order for Mr. Trie and compel his testimony. In addition, we would not exercise our authority under 18 U.S.C. § 6005(c) to file an application with the District Court for a deferral of no more than twenty days in the Court's issuance of an immunity order for Mr. Trie.

Please do not hesitate to contact me if I may provide you with additional information.

Sincerely,

Jon P. Jennings
Principal Deputy Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

DAN BURTON, INDIANA
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
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Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM
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BERNARD SANDERS, VERMONT,
INDEPENDENT

November 9, 1999

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Re: Grant of Immunity for Yah Lin "Charlie" Trie

Dear General Reno:

I am writing in response to the letter dated November 9, 1999, from Principal Deputy Assistant Attorney General Jennings regarding the Committee's scheduled vote on a resolution granting immunity to Charlie Trie. I appreciate the Department's willingness to drop its objection to a grant of immunity by the Committee. I hope that the Department's new position will allow a bipartisan vote in favor of immunity tomorrow.

As my staff has indicated, I understand that the Department is conducting an active criminal investigation of two individuals relating to Mr. Trie. It is my understanding that Mr. Trie has provided the Department with important information regarding those two individuals. Accordingly, I will respect the Department's wishes, and avoid questioning Mr. Trie about those two individuals as long as they are under active investigation. I will also instruct other Members of the Committee to avoid questioning Mr. Trie about those two individuals. In addition, I welcome the attendance of Justice Department staff at any hearings, debriefings or interviews of Mr. Trie that the Committee conducts.

Please contact the Committee's Chief Counsel, James C. Wilson, if you have any further questions about this matter.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

November 9, 1999

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

Dear Mr. Chairman:

Pursuant to the agreement that is set forth in your letter of November 9, 1999, the Department hereby informs the Committee that it does not object to the Committee requesting the Court to grant immunity to Mr. Yah Lin "Charlie" Trie and to compel him to testify pursuant to 18 U.S.C. § 6005. The Department also hereby waives the requirement of 18 U.S.C. § 6005(b)(3) that the Committee provide it with ten days' advance notice of its intention to seek an immunity order for Mr. Trie and compel his testimony. In addition, the Department will not exercise its authority under 18 U.S.C. § 6005(c) to file an application with the District Court for a deferral of no more than twenty days in the Court's issuance of an immunity order for Mr. Trie.

Please do not hesitate to contact me if I may provide you with additional information.

Sincerely,

Jon P. Jennings
Principal Deputy Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

Subpena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To United States Department of Justice Serve: Honorable Janet Reno

You are hereby commanded to produce the things identified on the attached schedule before the ...Full..... Committee on .....Government Reform..... of the House of Representatives of the United States, of which the Hon. .Dan.Burton..... ..... is chairman, by producing such things in Room ....2157..... of the .....Rayburn..... Building ....., in the city of Washington, on .....November.12....., at the hour of .....5:00PM.....

To .....Maria Pia Tamburri or the United States Marshal Service..... to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this .....9th..... day of .....November....., 19.99....

.....
Chairman.

Attest:

.....
Clerk.

SCHEDULE A

Subpoena Duces Tecum
Government Reform Committee
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

United States Department of Justice
Serve: Attorney General Janet Reno
Tenth Street & Constitution Avenue N.W.
Washington, D.C. 20530

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions, please contact Chief Counsel James C. Wilson at (202) 225-5074.

Definitions and Instructions

(1) For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

(2) For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

(3) This subpoena calls for the production of records, documents and compilations of data

and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

(4) The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

(5) No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

(6) If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

(7) When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by data, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

(8) This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

Subpoenaed Items

Please produce to the Committee all records relating to all interviews of President Clinton and Harold Ickes by the Campaign Financing Task Force.

FBI FACSIMILE COVER SHEET

PRECEDENCE	CLASSIFICATION
____ Immediate	___ Top Secret
____ Priority	___ Secret
___X_ Routine	___ Confidential
	___ Sensitive
	___X_ Unclassified

DATE: 11/9/99

TO: JIM WILSON
MARC CHRETIEN

FAX NO.: 202/[redacted]

FROM: Eleni P. Kalisch
Special Counsel, FBI
Office of Public and Congressional Affairs
TEL (202) [redacted]
FAX (202) [redacted]

NUMBER OF PAGES: 3 (including cover page)

COMMENTS:

Thought you'd find the attached letter of interest.

OFFICE OF SPECIAL COUNSEL
JOHN C. DANFORTH

EDWARD L. DOWD, JR.
DEPUTY SPECIAL COUNSEL

200 NORTH BROADWAY
ST. LOUIS, MISSOURI 63102
(314) 345-2000

November 5, 1999

VIA FEDERAL EXPRESS

The Honorable Walter S. Smith, Jr.
District Judge
U. S. Courthouse
800 Franklin
Waco, Texas 76701

Re: Investigation of the Office of Special Counsel ("OSC") as it relates to Civil Action No. W-96-CA-139; *Isabel G. Andrade, et al v. Philip J. Chojnacki*, et al., In the United States District Court for the Western District of Texas, Waco Division

Dear Judge Smith:

In accordance with the teleconference between Your Honor, Tom Schweich, and me earlier this week, the Office of Special Counsel requests that the Court consider ordering a Court-supervised test of Forward Looking Infra Red ("FLIR") technology in a manner that most closely approximates the conditions under which such technology was utilized at Mt. Carmel on April 19, 1993. You had indicated earlier to Senator Danforth that we consider working with the Court with respect to the retention and use of experts, and I believe that the FLIR situation represents such an opportunity.

The purpose for OSC's request is very straightforward. The issue of whether a FLIR used under the proper conditions would show gunfire is significant both to the case pending before Your Honor and to the OSC's charter from the Attorney General. The lead counsel for some of the plaintiffs in the litigation pending before Your Honor has indicated that it is his intention to attempt a re-creation of the FLIR activity that occurred on April 19, 1993. Counsel has stated that his efforts are being hindered because the Department of Justice ("DoJ") has allegedly withheld information that would ensure an accurate demonstration (such as the make and model of the FLIR equipment) on the grounds that such information is protected from disclosure by a "law enforcement techniques" privilege and/or national security considerations. We at OSC express no opinion on whether these privileges are properly interposed. However, counsel for DoJ has indicated to the plaintiffs in a recent letter that "it does appear... that several of your assumptions about the facts, the science, and the experts are in error, and may render useless any

conclusions reached..." The DoJ's ability to withhold information appears to be the basis for challenging the accuracy of any conclusions reached.

At the same time, the FBI has indicated that it would conduct an accurate re-creation of the FLIR activity for the OSC. Because the personnel of the OSC are part of the DoJ and have the proper clearances, the OSC is not subject to the same assertions of privilege or protected security interests as the plaintiffs are, so there would be no restrictions on the information that would flow from the FBI to the OSC. This situation puts the OSC in an awkward position for three reasons. First, the OSC is not comfortable with the idea of two FLIR re-creations– a nonpublic one which the FBI authorizes and a public one which DoJ is challenging– occurring simultaneously. Second, if the OSC were to allow the FBI to conduct a FLIR re-creation without a disinterested observer, this office would be subject to claims of bias and possibly even collusion, depending on the results of the test. Third, with DoJ already on record as challenging the reliability of any conclusions reached by counsel for plaintiffs, there is no incentive for plaintiffs to conduct a neutral test. Thus, both the trust of the public and the truth-seeking process are not best served by the course of events as they are now unfolding.

We propose therefore that the Court supervise a neutral FLIR re-creation. The Court would retain an expert, with the assistance of the OSC, if desired. The Court would order that one expert retained by the plaintiffs be cleared to review the information currently being withheld relative to the FLIR equipment under a Court protective order. Both sides would be ordered to agree upon a written protocol that would best approximate the conditions of April 19, 1993. The protocol would include: the make or model of the FLIR equipment, the type of aircraft, altitude, weather conditions, angle of the sun, types of weapons, rapidity of firing of the weapons, etc. Both sides would sign off on the protocol so that it could not be challenged later. The re-creation would then occur under the supervision of the Court and its expert, with OSC representatives in attendance. The Court expert would sign a statement indicating that the parameters of the protocol had been achieved, or note any deviations that he or she had approved. Each side would then be mailed a copy of the tape to utilize as it sees fit. The parties would pay all the costs.

If you are interested in pursuing this course of action, we would be happy to assist you in locating the expert, providing a first draft of the protocol, or in any other matter that you deem appropriate. Please call me at any time to discuss this suggestion further.

Sincerely yours,

Edward L. Dowd, Jr.
Deputy Special Counsel

ELD/cck

Subpena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To .....Department of Justice...Serve: The Honorable Janet Reno.....

You are hereby commanded to produce the things identified on the attached schedule before the .....Full..... Committee on .....Government Reform..... of the House of Representatives of the United States, of which the Hon. ....Dan Burton..... ..... is chairman, by producing such things in Room .2157..... of the .....Rayburn..... Building ....., in the city of Washington, on .....November 17th....., at the hour of .....5:00PM.....

To ..Maxia Pia Tamburri.....

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this ...10th..... day of ..November....., 19.99....

.....Dan Burton.....
Chairman.

Attest:

.....Jeff Trandahl.....
Clerk.

Subpena for. Department of Justice

Serve: The Honorable Janet Reno

10th and Constitution Avenue, N.W.

Washington, DC 20530

before the Committee on the

Government Reform

Served by Maria Tamburri
at Dept of Justice
@ 2:30pm.
served on. Robert Raben.
Robert Raben

House of Representatives

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Department of Justice
Serve: The Honorable Janet Reno
Attorney General
Department of Justice
10th and Constitution Avenues, N.W.
Washington, D.C. 20530

The Committee hereby subpoenas certain records. Please provide logs that indicate each record's Bates number, author, description, and source file. If you have any questions, please contact Senior Counsel Kristi Remington at (202) 225-5074.

Definitions and Instructions

1. For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

5. No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

9. Please provide a printed and, where possible, an electronic version of records. Electronic information may be stored on 3½ inch diskettes in ASCII format. In addition, please provide the Committee's Minority staff with an identical copy of all records provided.

Subpoenaed Items

Please provide the Committee with the following:

1. All records relating to any investigations or surveillance regarding the relationship between Fuerzas Armadas Liberacion Nacional Puertoriquena ("FALN") and Cuba, including, but not limited to, the Cuban Government, Cuban agents, Cuban diplomats, General Intelligence Directorate ("DGI"), Cuban intelligence services, or the Cuban military.

2. All records relating to any investigations or surveillance regarding the relationship between the Popular Boricua (EPB-Macheteros) and Cuba, including, but not limited to, the Cuban Government, Cuban agents, Cuban diplomats, General Intelligence Directorate ("DGI"), other Cuban intelligence services, or the Cuban military.

Subpena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To .....Federal Bureau of Investigation....Serve:...The Honorable Louis J. Freeh

You are hereby commanded to produce the things identified on the attached schedule before the .....Full..... Committee on ....Government Reform..... of the House of Representatives of the United States, of which the Hon. ....Dan Burton..... ..... is chairman, by producing such things in Room ..2157..... of the ...Rayburn..... Building ....., in the city of Washington, on .November 17th....., at the hour of .....5:00PM.....

To ....Maria Pia Tamburri or the U.S. Marshal Service..... to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this .....10th.... day of .November....., 1999.....

.....Dan Burton.....
Chairman.

Attest:

.....Kevin Randall.....
Clerk.

Subpena for.Federal..Bureau..of..Investigation

.Serve:...The..Honorable..Louis..J...Freeh

935.Pennsylvania.Avenue...NW.....

Washington..DC.20535-0001.....

before the Committee on the.....

Government.Reform.....

.....

Served by Maria Tamburri
Gov't Reform Comm. 2157 RHOB
@ 2:00pm -
To. R. Walsh.
X [signature]
FBI - Legislative Counsel

.....

.....House of Representatives

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Federal Bureau of Investigation
Serve: The Honorable Louis J. Freeh
Director, Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535-0001

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2. All records relating to any investigations or surveillance regarding the relationship between the Popular Boricua (EPB-Macheteros) and Cuba, including, but not limited to, the Cuban Government, Cuban agents, Cuban diplomats, General Intelligence Directorate ("DGI"), other Cuban intelligence services, or the Cuban military.

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ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051
TTY (202) 225-6852

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BERNARD SANDERS, VERMONT,
INDEPENDENT

November 17, 1999

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Re: Production of Subpoenaed Documents

Dear General Reno:

I am writing to request that the Justice Department provide certain documents relating to John Huang and Yah Lin "Charlie" Trie. All of the requested items are responsive to the Committee's subpoena of July 29, 1999.

So that the Committee may adequately prepare for its upcoming hearings relating to John Huang and Charlie Trie, I request that the Department produce all records of interviews relating to the following individuals:

1. Vice President Al Gore
2. Antonio Pan
3. Richard Sullivan
4. David Mercer
5. Arief Wiriadinata
6. Soraya Wiriadinata
7. Jude Kearney
8. Jane Huang
9. Webster Hubbell
10. C. Joseph Giroir
11. Donald Fowler
12. Joseph Sandler
13. Melinda Yee
14. Marvin Rosen
15. Vernon Weaver
16. D. Vanessa Weaver
17. Bie Ong
18. Maeley Tom
19. March Fong Eu
20. Rose Ochi
21. Keshi Zhan
22. Charles Duncan
23. Doris Matsui
24. Terry McAuliffe
25. Richard Mays

Please produce these records by December 1, 1999. If you have any questions about this request, please contact the Committee's Chief Counsel, James C. Wilson.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

DAN BURTON, INDIANA,
CHAIRMAN
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ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

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BERNARD SANDERS, VERMONT,
INDEPENDENT

November 17, 1999

Honorable Janet Reno
Attorney General
Department of Justice
Tenth Street and Constitution Avenue, N.W.
Washington, DC 20530

Dear General Reno:

Your office has previously provided the Committee on Government Reform redacted versions of the following Department of Justice's (DOJ) reports:

- *Evaluation of the Handling of the Branch Davidian Stand-off in Waco, Texas, February 28 to April 29, 1993*, Edward S.G. Dennis, Jr., dated October 8, 1993

- *Report to the Deputy Attorney General on the Events at Waco, Texas, February 28 to April 19, 1993*, Richard Scruggs, dated October 8, 1993

The work of the Committee on Government Reform now requires review of the redacted portions of the reports. I request that you provide the Committee unredacted copies of these reports by November 22, 1999.

Please refer any questions to Mr. Jim Wilson, Chief Counsel, Committee on Government Reform, at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

November 19, 1999

The Honorable Dan Burton
Chairman
House Committee on Government Reform
U. S. House of Representatives
Washington, D.C. 20515-6143

Dear Mr. Chairman:

In response to your letter to the Attorney General, dated November 17, 1999, please find unredacted copies of the following two reports:

- *Evaluation of the Handling of the Branch Davidian Stand-Off in Waco, Texas By The United States Department of Justice and the Federal Bureau of Investigation,* by Edward S.G. Dennis, Jr., dated September 24, 1993; and
- *Report to the Deputy Attorney General on the Events at Waco, Texas, February 28 to April 19, 1993*, by Richard Scruggs, dated October 8, 1993.

It is my understanding that the draft report by Mr. Scruggs, which is enclosed, was never finalized.

I hope that this information is helpful. Please do not hesitate to contact me if you would like additional assistance regarding this or any other matter.

Sincerely,

Robert Raben
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

DAN BURTON, INDIANA,
CHAIRMAN
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ONE HUNDRED SIXTH CONGRESS

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BERNARD SANDERS, VERMONT,
INDEPENDENT

November 22, 1999

Jon Jennings
Principal Deputy Assistant Attorney General
Department of Justice
Tenth and Constitution Avenue, NW
Washington, DC 20530

Dear Mr. Jennings:

Please inform this committee when the Federal Bureau of Prisons first provided the Office of Legislative Affairs, Department of Justice, with a copy of any joint BOP/FBI "Threat Assessment" of FALN/Macheteros inmates. Please respond by Wednesday, November 24, 1999.

Sincerely,

James C. Wilson
Chief Counsel

cc: Honorable Henry A. Waxman

DAN BURTON, INDIANA,
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
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BERNARD SANDERS, VERMONT,
INDEPENDENT

November 22, 1999

John Collingwood
Federal Bureau of Investigation
Assistant Director
Office of Legislative Affairs
F.B.I. Building
935 Pennsylvania Avenue, N.W.
Washington, DC 20535-0001

Dear Mr. Collingwood:

Please inform this committee when representatives of the Federal Bureau of Investigation were first requested to provide their views on the Committee on Government Reform request for any "Threat Assessment" prepared by the FBI and Bureau of Prisons discussing FALN/Macheteros inmates. Please respond by Wednesday, November 24, 1999.

Sincerely,

James C. Wilson
Chief Counsel

cc: Honorable Henry A. Waxman
Patricia M. Ravalgi

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

November 23, 1999

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

Dear Mr. Chairman:

This responds to the letter from Marc Chretien of your staff, dated October 21, 1999, and supplements information we previously provided to other Committee staff, concerning the extent to which the Department is able to conduct computerized text searches of records relating to the events at Waco. As we have advised Committee staff, and as discussed in greater detail below, there are two separate collections of scanned images maintained at Aspen Systems: the collection of documents scanned into computer files for purposes of responding to the Committee's subpoena of September 1, 1999 (the "Congressional collection");[1] and a separate collection of materials previously scanned for purposes of the pending civil litigation in Andrade (the "Litigation collection"). The Litigation collection is text-searchable, but the Congressional collection is not. We are willing to work with the Committee to perform text searches of materials in the Litigation collection. There are three important constraints, identified below, on the usefulness of such searches, and we feel it useful for you to know these constraints.

By way of background, in 1998, over a year before the Committee issued its pending subpoena, the Department attorneys responsible for litigating the Andrade case arranged with Aspen Systems to scan a large collection of documentary and photographic materials into computerized files. That scanning process – which creates a separate image or "TIF" file for each page and does not itself provide the capacity to perform text searches – was conducted in

[1] Because the Department has in recent months received several overlapping requests for Waco-related materials – including requests from the Senate Committee on the Judiciary, the Office of Special Counsel, and the district court presiding over the pending civil case of Andrade v. Chojnacki, Civ. No. W-96-CA-139 (and consolidated cases) (W.D. Tex) – this collection includes scanned images of documents recently collected for a variety of purposes, many of which are responsive to multiple requests. This collection therefore includes some documents that are not responsive to the Committee's subpoena of September 1, 1999.

1998. A separate procedure, involving additional software and the entry of bibliographical information for each scanned document, was required to make the collection of image files text-searchable. It is my understanding that that process was completed in July 1999.

As that chronology indicates, the process of transforming a large collection of separate image files into a text-searchable database is an extremely time consuming and labor intensive process. It is also an expensive one: employees of Aspen report that it would cost nearly $700,000 to perform a similar procedure on the Congressional collection, and that the process would take months to accomplish. For that reason, we have not sought to make the Congressional collection text-searchable. The three constraints on the usefulness of text searches that we could perform for the Committee on the Litigation collection are as follows:

First, as recognized in Mr. Chretien's letter, any such search necessarily risks incompleteness. Because the text search capability is no better than the accuracy with which the character-recognition software reads a scanned image, there will inevitably be cases in which a computerized search for all documents containing a given word will nevertheless miss some documents containing that word. This can occur not only with respect to handwritten documents, but also with respect to typed documents, either because a word is misspelled in the original document, or because a problem in the document or the software causes a mistake in the character-recognition process.

Second, because it was created for a different purpose, the Litigation collection is both over-inclusive and under-inclusive of the materials subpoenaed by the Committee. A text search of the Litigation collection will therefore fail to produce responsive documents from Department components outside the Civil Division, although such documents should be included in the non-searchable Congressional collection. It may also produce documents within the Litigation collection that contain the search term but are not responsive to the Committee's subpoena. For that reason, we would have to review the results of any text search for responsiveness.

Third, searching the Litigation collection will produce materials duplicative of items that have already been collected for review and production, and therefore necessarily extend the time it takes us to complete compliance with the Committee's subpoena. This is because responsive documents within the Litigation collection have already been copied and put in the boxes for review for grand jury materials and other appropriate redactions prior to production to the Committee – i.e., they have already been put into the Congressional collection, which is not text-searchable. Accordingly, any responsive document found as a result of a text search of the Litigation collection will necessarily be reviewed and produced twice: once as a result of the text search of the Litigation collection, and once as a result of having already been put into the Congressional collection.

I hope that this information is helpful. Please do not hesitate to contact me if you would like additional assistance regarding this or any other matter.

Sincerely,

Robert Raben
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

November 24, 1999

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

Dear Mr. Chairman:

This responds to your letter, dated November 19, 1999, to the Attorney General concerning four items you requested in connection with the Committee's interview of Marie Hagen. As set out in more detail below, to the extent responsive information exists, we are making it available although as to one document, which reveals the names of military personnel and is subject to a protective order, we would like to provide a redacted version of the document.

1. A document provided by the FBI to Ms. Hagen listing weapons which the HRT generally deploys. This appears to refer to a document listed on page 221 of an inventory of materials from the files of the Civil Division's Federal Torts Claims Act section ("FTCA") responsive to the Committee's subpoena, which we provided to the Committee's staff on October 4, 1999. Specifically, the inventory lists the following document as being in FTCA Box 51: "Fax cover sheet dated 4/29/97, to M.L. Hagen from J. Brown, with attached list of weapons HRT possessed." Copies of the contents of FTCA Box 51, including the list of weapons, were provided to the Committee on November 19, 1999. An additional copy of the list, bearing Bates numbers CNG018-1818, is enclosed for your convenience.

2. An e-mail message from Ms. Hagen to LeRoy Jahn prior to Ms. Hagen's April 30, 1999, conversation with AUSA William Johnston. As far as we are aware, no such e-mail message was sent. As described Ms. Hagen's memorandum of September 2, 1999, Ms. Hagen learned about Mr. McNulty's access to certain evidence on Friday, April 30, 1999, and then "reached one of the prosecutors, AUSA LeRoy Jahn at a conference or retreat . . . ." Bates no. WWC095-0020. This appears to refer to a telephone conversation with Mrs. Jahn, rather than an e-mail, and Ms. Hagen's recollection now, as likewise stated at her interview with your Committee staff, is to the same effect. Pursuant to requests from Committee staff, we made a copy of Ms. Hagen's memorandum (which contains attorney work product) and its attachments available for staff review starting on October 26, 1999, and also brought a copy of the memorandum to each portion of the interview itself.

3. A fax from Ms. Hagen to Bert Brandenburg after her conversation with AUSA Johnston. As far as we are aware, no such fax was sent. In her memorandum of September 2, 1999, Ms. Hagen wrote that after her conversation with AUSA Johnston, she "sent an e-mail to Bert Brandenberg, who was living in Germany." Bates no. WWC095-0021. A copy of that e-mail message, dated April 30, 1999, is attached to the memorandum and bears Bates number WWC095-0026. It was reviewed by Committee staff starting on October 26, 1999, and was provided for use at the continuation of Ms. Hagen's interview on November 23, 1999. A copy is enclosed for your convenience.

4. Answers to interrogatories signed by the Department of Defense attesting to the number of special operations military personnel present during the standoff. On September 8, 1999, the Department filed the United States' Answer to Plaintiffs' First Set of Interrogatories in the Andrade litigation (the "Answers"). Response number 7 of the Answers set forth information about military personnel who were present at Waco and was attested to by counsel for the Department of Defense. The contents of that document (which did not exist when the Committee's subpoena was issued on September 1, 1999) are confidential pursuant to the Court's protective order in Andrade, in part because of the danger to military personnel that might arise if the information were disseminated. To ensure that Committee staff members have the information they need without violating the protective order, we are enclosing an appropriately redacted version of the document with only the names of military personnel redacted and a key to the redactions. We request that the Committee not publicly disclose the information contained in the key.

I hope that this information is helpful. Please do not hesitate to contact me if you would like additional assistance regarding this or any other matter.

Sincerely,

Faith Burton for

Robert Raben
Assistant Attorney General

Enclosures

cc: The Honorable Henry Waxman
Ranking Minority Member

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

November 24, 1999

The Honorable Dan Burton
Chairman
House Committee on Government Reform
U.S. House of Representatives
Washington, D.C. 20515-6143

Dear Mr. Chairman:

This supplements our prior responses to the Committee's subpoena issued September 1, 1999, requesting certain documents relating to Waco.

Enclosed are 3 boxes that contain 10,178 documents from the San Antonio Field Office of the Federal Bureau of Investigation (FBI). These documents bear the bates numbers CNG031-0001 to 2688, CNG03-0001 to 3828, and CNG033-0001 to 3662. The first group of documents from the FBI San Antonio Field Office were sent to you on November 22, 1999, and we expect to send you the remainder of materials from this office shortly. I have also enclosed for your convenience a CD-ROM disk, designated CN11, bearing the images of the materials in these boxes.

Please note that where information that is privileged in the litigation or covered by Rule 6(e) has been removed, a sheet setting forth this fact has been substituted. Please note as well that documents originating with other agencies, such as the Bureau of Alcohol, Tobacco and Firearms and the Federal Bureau of Investigation, have been removed and referred to those agencies in accordance with our usual third-agency practice. Again, a sheet denoting this fact has been substituted in place of the missing page. We anticipate the agencies will complete their review and return the materials to us shortly.

I hope that this information is helpful. Please do not hesitate to contact me if you would like additional assistance regarding this or any other matter.

Sincerely,

Dan Burton for
Robert Raben
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

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BERNARD SANDERS, VERMONT
INDEPENDENT

November 30, 1999

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Re: Production of Subpoenaed Documents

Dear General Reno:

I am writing to follow up on several outstanding requests that I have made of the Justice Department. On November 9, 1999, I issued a subpoena for all records relating to the interviews of President Clinton and Harold Ickes. Since that time, my staff has been in frequent communication with your staff, and we have been informed that the Committee would receive these records in a timely fashion. However, three weeks have now passed, and the Committee has still not received the subpoenaed records.

On July 29, 1999, the Committee subpoenaed records relating to John Huang and Charlie Trie from the Justice Department. On November 5, 1999, I informed the Department that the subpoena requires the production of the FBI 302 interview summary for Charlie Trie. In addition, my staff has spoken with your staff on a number of occasions, and we have been informed that the Charlie Trie 302 is under review at the Department. However, despite the fact that the Department has had almost a month to review the Trie 302, the Committee has still not received it.

Given that the 302 interview summaries for President Clinton, Harold Ickes, and Charlie Trie are all under subpoena, and are all substantially overdue, I request that they be produced to the Committee as soon as possible.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

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BERNARD SANDERS, VERMONT,
INDEPENDENT

November 30, 1999

Robert Raben
Assistant Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Mr. Raben:

Thank you for you letter of November 23, 1999, regarding electronic collections of scanned Waco-related documents. Significant questions, however, remain unanswered relating to the matters discussed in Marc Chretien's letter to Faith Burton of October 21, 1999, and your response. Some of the open questions are technical while others relate to compliance with the outstanding subpoena.

We still do not understand what, if anything, prevents the Justice Department from supplying documents from the litigation collection electronically with the OCR-text intact. The OCR-text itself is a "record" as defined in the subpoena and production of text-searchable electronic documents (when such versions exist) is therefore required. The documents reviewed by Committee staff as well as your correspondence make it clear the text-searchable electronic documents responsive to our subpoena do exist in what you referred to as the "litigation collection."

In explaining the constraints on the usefulness of proposed text searches, you wrote that the litigation collection was "both over-inclusive and under-inclusive of the materials subpoenaed[.] ...For that reason we would have to review the results of any text search for responsiveness." As I understand footnote 1 of your letter, you also have to review every document in the Congressional collection because it too "includes some documents that are not responsive to the Committee's subpoena[.]" Of course, one way to rid you of the burden of reviewing documents for responsiveness would be to issue another subpoena for the entire litigation and congressional collections. We would rather work more amicably toward a solution which allows us to conduct an efficient as well as thorough investigation.

Therefore we request that the Justice Department designate one or more representatives for an interview with Committee staff by the end of this week. The designee(s) should include one or more people able to answer technical and legal questions regarding the collection, scanning, indexing, and production of electronic versions of Waco-related documents. The

designee(s) should also include a representative from the Justice Department's contractor Aspen Systems, Inc.

The purpose of the meeting would be to aid committee staff in understanding what, if any, technical or legal issues hinder the production of documents from the litigation collection with the associated OCR-text intact. We believe this goal may be more efficiently achieved face-to-face rather than through an exchange of further correspondence.

Please contact Jason Foster at (202)225-3048 to schedule an agreeable time for the interview.

Sincerely,

James C. Wilson
Chief Counsel

Attachments

cc: The Honorable Henry Waxman
Ranking Member

Jon Jennings (via facsimile)
Principal Deputy Assistant Attorney General

Faith Burton (via facsimile)
Senior Special Counsel

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INDEPENDENT

December 1, 1999

The Honorable Janet Reno
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear General Reno:

As you know, the Committee on Government Reform is conducting an oversight investigation into the events surrounding the Branch Davidian standoff in Waco, Texas under the authority of House Rules X and XI. One of the purposes of the Committee's inquiry is to review the diligence with which the Justice Department conducted its own inquiries into the Waco tragedy.

Pursuant to this investigation, I recently requested and received unredacted copies of the reports prepared for the Justice Department by Edward S.G. Dennis, Jr. and Richard Scruggs. The cover letter from Assistant Attorney General Robert Raben dated November 19, 1999, contained a somewhat surprising and unexpected statement. Mr. Raben wrote, "It is my understanding that the draft report by Mr. Scruggs, which is enclosed, was never finalized."

I am concerned that the report that has been repeatedly held out as the complete and definitive investigation of the Waco tragedy is now being characterized as "never finalized." Thus, I request that you provide a complete explanation as to how and why this report, dated October 8, 1993, is still incomplete after more than six years. Furthermore, I request that you explain why the Scruggs report was available to the general public without being labeled an "interim" or "draft" report. Please provide a response by Friday December 10, 1999.

Sincerely,

Dan Burton
Chairman

Attachments

cc: The Honorable Henry Waxman
Ranking Member

Robert Raben (via facsimile)
Assistant Attorney General

U. S. Department of Justice

Executive Office for Immigration Review

Office of the Director

5107 Leesburg Pike, Suite 2400
Falls Church, Virginia 22041

DEC 1 1999

The Honorable Dan Burton
Chairman, Committee on Government Reform
United States House of Representatives
Washington, D.C. 20515-6143

Re: Jianwei Ding, [redacted]

Dear Mr. Chairman:

This is in response to your letter to Immigration Judge John W. Richardson in Phoenix, Arizona, concerning the above referenced matter. You have written in support of Mr. Ding's request for asylum in the United States. Your letter has been forwarded to my attention for response.

Our records show that Mr. Ding is scheduled to appear for a removal hearing before an Immigration Judge on January 27, 2000. At that time, Mr. Ding will be given the opportunity to present evidence to support his request for asylum and to terminate removal proceedings. We note that the information you have provided to this office in support of Mr. Ding's application for asylum has also been furnished to his attorney of record and to the Immigration and Naturalization Service (INS).

Regrettably, this office is not able to be of any service to Mr. Ding. The Executive Office for Immigration Review, of which the Immigration Court and the Board of Immigration Appeals are a part, is an adjudicative body and cannot offer to be of any legal assistance to him. This office must remain neutral between the opposing parties, who are, in this case, Mr. Ding and the Immigration and Naturalization Service.

Thank you for taking the time to write and be involved. Please be assured that Mr. Ding will receive every consideration that he is entitled to that is consistent with the immigration laws of the United States.

Sincerely,

Peggy Philbin
Deputy Director

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

DEC

December 3, 1999

6661

The Honorable Dan Burton
Chairman
House Committee on Government Reform
U.S. House of Representatives
Washington, D.C. 20515-6143

Dear Mr. Chairman:

This supplements our prior responses to the Committee's subpoena issued September 1, 1999, requesting certain documents relating to Waco.

Enclosed is one box that contains copies of documents from the Federal Bureau of Investigation (FBI). These documents, which total 3305 pages, bear the Bates numbers CNG034-0001 to 3305. I have also enclosed for your convenience a CD-ROM disk, designated CN12, that contains images of the materials in these boxes.

Please note that where information that is privileged in the litigation or covered by Rule 6(e) has been removed, a sheet setting forth this fact has been substituted. Please note as well that documents originating with other agencies, such as the Bureau of Alcohol, Tobacco and Firearms and the Federal Bureau of Investigation, have been removed and referred to those agencies in accordance with our usual third-agency practice. Again, a sheet denoting this fact has been substituted in place of the missing page. We anticipate the agencies will complete their review and return the materials to us shortly.

I hope that this information is helpful. Please do not hesitate to contact me if you would like additional assistance regarding this or any other matter.

Sincerely,

Robert Raben
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

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INDEPENDENT

December 6, 1999

The Honorable Janet Reno
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear General Reno:

As you are aware, the Committee is interviewing various FBI and DOJ personnel concerning the Branch Davidian standoff in Waco, Texas. I understand that the civil litigants in this matter will be conducting depositions of FBI personnel for two weeks, beginning this Wednesday, December 8. I also understand that Senator Danforth's staff will be observing several of these depositions. Last week, members of my staff contacted the FBI, which agreed, in the interest of time and efficiency, to allow my staff to observe the depositions and then, if necessary, conduct follow-up interviews afterwards. Further, the plaintiffs counsel, Michael Caddell, has assented to our presence as observers at the depositions.

With this in mind, I ask that you authorize members of my Committee to observe the depositions of the FBI personnel.

Please contact Senior Counsel Marc Chretien at (202) 225-5074, should you have any questions or concerns.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman
Ranking Member

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

December 8, 1999

The Honorable Dan Burton
Chairman
House Committee on Government Reform
U.S. House of Representatives
Washington, D.C. 20515-6143

Dear Mr. Chairman:

This supplements our prior responses to the Committee's subpoena, dated September 1, 1999, requesting certain documents relating to Waco.

Enclosed are two boxes that contain documents from the Federal Bureau of Investigation (FBI). These documents, which total 6649 pages, bear the Bates numbers, respectively, CNG035-0001 to 2968, and CNG036-0001 to 3681. I have also enclosed for your convenience a CD-ROM disk, designated CN14, that contains images of the materials in these boxes.

Please note that where information that is privileged in the litigation or covered by Rule 6(e) has been removed, a sheet setting forth this fact has been substituted. Please note as well that documents originating with other agencies, such as the Bureau of Alcohol, Tobacco and Firearms and the Federal Bureau of Investigation, have been removed and referred to those agencies in accordance with our usual third-agency practice. Again, a sheet denoting this fact has been substituted in place of the missing page. We hope that the agencies will complete their review and return the materials to us shortly.

I hope that this information is helpful. Please do not hesitate to contact me if you would like additional assistance regarding this or any other matter.

Sincerely,

Robert Raben
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

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9 December 1999

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BERNARD SANDERS, VERMONT,
INDEPENDENT

Director Louis Freeh
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535

Dear Director Freeh:

As part of the Committee's investigation into the Waco matter, I have directed my staff to interview key FBI personnel that were involved with the Branch Davidian standoff. It is my understanding that FBI personnel were to be made available, starting yesterday, for depositions in the civil suit arising from this matter. Unfortunately, the Department of Justice did not agree to allow my staff counsel to attend the depositions as observers. This would have considerably shortened the interview process and eliminated duplicative questions. Now, all FBI personnel that are to be deposed by the plaintiffs will need to be made available for separate interviews.

I am requesting that beginning Friday, December 10, 1999, FBI personnel be made available for interviews before my staff. Since there are two weeks of depositions, I request that the individuals deposed on Wednesday be made available to my staff two days later. FBI personnel deposed on Thursday should be made available the following Monday and so on.

Please confirm that these interviews will take place as soon as possible. If you have any questions concerning these interviews, please feel free to contact Marc Chretien, Senior Counsel, (202) 225-5074.

Sincerely,

Dan Burton

cc: Hon. Henry Waxman
Senator Danforth, OSC

Subpena to Testify (Hearing)

By Authority of the House of Representatives of the Congress of the United States of America

To The Honorable Robert Raben Serve: Robert Raben

You are hereby commanded to be and appear before the Full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, in Room 2157 of the Rayburn Building, in the city of Washington, on December 15, 1999, at the hour of 11:00am, then and there to testify touching matters of inquiry committed to said Committee; and you are not to depart without leave of said Committee.

To Maria Pia Tamburri

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 10th day of December, 1999

Dan Burton

Chairman.

Attest:

Jeff Trandahl

Clerk.

Subpena for The Honorable Robert Raben

Serve: Robert Roben

Assitant Attorney General, United States Dept. of Justice

Tenth Street and Constitution Avenue, NW

Washington, DC 20530
before the Committee on the

Government Reform

Served Robert Raben

Date: 4/10/96

Time: 11:24

House of Representatives

GPO: 1990 31-267 (m)

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

December 10, 1999

The Honorable Dan Burton
Chairman
House Committee on Government Reform
U.S. House of Representatives
Washington, D.C. 20515-6143

Dear Mr. Chairman:

This responds to your letters dated November 24, 1999 and December 1, 1999, concerning Waco.

I. Response to November 24, 1999 letter

A. FLIR Analysis Request

Your letter of October 19, 1999 asked for "information about analyses conducted by or for the Department of Justice or the Federal Bureau of Investigation of the FBI's April 19, 1993 forward looking infrared imagery ("FLIR") tapes." Based upon our understanding of that request, we provided the names of all experts we have retained who had performed some analysis of those tapes. The Department did not include Lt. John Perry's name on the October 26, 1999 list of people we identified regarding the FLIR tapes as we did not understand your request to cover him because he had performed no analysis of the tapes and was not a retained expert.[1] We identified Dr. Ginsberg because we expect him to analyze the tapes, although he had not yet done so. We did not, however, identify any experts, consultants or other individuals with whom we have made contact regarding FLIR technology (including Lt. Perry), who may or may not have even looked at those tapes and who are not continuing experts for the government because they were not retained to perform some analysis of those tapes.

Your November 24th letter asks us to identify all other experts who have reviewed the FLIR video of April 19, 1993 for the FBI or DOJ, as well as any experts consulted formally or informally by DOJ or FBI about FLIR technology. During the course of the litigation, Department attorneys routinely contact such individuals to obtain information about issues in the

[1] We understand from your letter that during a recent interview of Department of Justice (Department or DOJ) trial attorney Marie Hagen, your staff learned that Lt. Perry was consulted by DOJ regarding forward looking infrared (FLIR) technology.

case including, but not limited to, FLIR technology. Unlike the experts we identified for the Committee on our October 26th list, all of whom we have disclosed in the litigation, the Department's contacts with these individuals would not be disclosed in the litigation because it is privileged. Our attorneys' contacts with these individuals, which are frequently conducted on an informal basis, reflect the attorneys' assessments of the issues they anticipate at trial and their development of relevant evidence regarding those issues. This process is central to the Department's development of the litigation position of the United States, and to reveal the information you request would reveal trial strategy and unfairly disadvantage the United States during the pre-trial phase of this case.

B. Withheld Records Not Listed on Privilege Logs

The Committee has expressed concern that the Department has not provided, nor identified as privileged, records relating to communications with Lt Perry. It appears that the reason that the Department has not produced some of these materials is that the fax copy of the subpoena our team used was missing a relevant page. Now that we are aware of items (j) and (k) from your request, we will of course take steps to collect all records responsive to those items that have not previously been collected in response to other requests.

In the interim and to expedite your request for specific information, we have searched for records relating to Lt. Perry. In response to your request, we will forward to you shortly responsive documents and a privilege log identifying other responsive documents. We do not have the video that may have been made by Lt. Perry, which you requested.

C. Withheld Records Listed on Privilege Logs

As you know, the Department has identified a number of documents as privileged in the pending litigation, but nonetheless has allowed the Committee staff access to some of them on a confidential basis in an effort to facilitate the Committee's investigation. Some of the documents, however, are core work product material, and we have not made those documents available for staff review.

In our continuing effort to accommodate the Committee's oversight interests, we are prepared to provide the Committee staff with access to four of the documents requested in your November 24th letter (the documents identified as items 1, 3, 4 (redacted), and 5 (redacted)), if the Committee agrees -- as it has with respect to other privileged documents to which we have provided access -- not to disclose the content of those documents outside of the Committee. The redactions in documents 4 and 5 pertain only to information reflecting the mental impressions of the trial attorney and strategy for preparing and conducting the litigation.

Documents 2 and 6 represent the mental impressions of Department trial attorneys and their trial strategy as they prepare the defense of the United States in this litigation, and disclosure of the documents would compromise the interests of the United States in the litigation. I hope that the following additional information about these two documents will clarify the reasons that they should not be disclosed.

Specifically, document 2, which was described in the index previously provided to the Committee as "Handwritten notes (undated) with '11:18:22' notations (5 pages)," is a series of notations setting forth the impressions of the trial attorneys and others about particular portions of the FLIR tape of April 19, 1993 and the allegations about the meaning of that tape by the plaintiff's expert. Disclosure of such notes would thus provide information only about those assessments of the tape that were determined by the trial attorneys to be relevant to the issues at trial. They do not contain original factual information that is not also available on the FLIR tape itself, which the FBI has provided to the Committee.

Document 6, which is described in the index as "E-mail dated December 17, 1996 from Marie Hagen to Jeffrey Axelrad 're: Waco/FBI and gunshot allegations'" is an e-mail from a trial team member to her supervisor discussing litigation strategy and discussions with agency counsel. Disclosure of this document to the Committee would reveal mental impressions and litigation strategy, but would not provide any new factual information for the Committee.

II. Response to the letter of December 1, 1999

In your December 1, 1999 letter, you asked for clarification about the status of the Report to the Deputy Attorney General on the Events at Waco Texas, February 28 to April 19, 1993 (Oct. 8, 1993), commonly referred to as the "Scruggs Report." When the draft report was prepared in 1993, it contained references to and quotations of certain communications that the FBI had intercepted pursuant to a court order. At that time, the district court had not yet unsealed the results of that electronic surveillance (the court later, during the course of the criminal prosecution, ordered the interceptions unsealed). Accordingly, the draft of the unredacted version of the Scruggs report was not put in final form and released. Instead, the references to the electronic surveillance were redacted, the text was finalized, and the report was then released in that form. According to Mr. Scruggs, the text changes -- aside from the deletion of references to the electronic surveillance – included stylistic changes and the deletion of certain terms but not the alteration of substantive information.[2] In alerting you to the fact that the unredacted draft version was never finalized, I did not mean to suggest that the redacted version, which we long ago made available to the public, is not a finished product.

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[2]Thus, for example, a reference to "Commanders from the Army's elite Delta Force unit" in the unredacted preliminary draft (p. 99) was changed to "military experts" in the final redacted report released to the public (p. 105); similarly, references in the unredacted preliminary draft to the "front (white) side of the compound" (p. 267) and the "front-left (white-green)" and "front-right (white-red)" corners of the building (pp. 270-71) were changed in the final redacted report to, respectively, the "front side of the compound" (p. 283) and the "front-left" and "front-right" corners of the building (p. 285).

I hope that this information is helpful. Please do not hesitate to contact me if you would like additional assistance regarding this or any other matter.

Sincerely,

Robert Raben
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

December 10, 1999

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

Dear Mr. Chairman:

This is in response to your subpoena of November 10, 1999, seeking copies of interviews that the Department conducted of President Clinton and Harold Ickes, and your letter of November 17, 1999, seeking FBI 302s of 25 additional persons. The Department will provide the Committee an opportunity to review all 302s of its interviews of these persons, as long as the 302s do not contain information that, if disclosed, could compromise an ongoing or potential criminal case. Accordingly, the Department and its FBI component will not be able to provide the Committee with access to 302s of persons who have been indicted, who are the subject of an ongoing investigation, or who may be a witness in a pending or potential criminal case. Based on that standard, we have determined that we will be able to provide the Committee and its staff an opportunity to review the 302s of interviews of President Clinton, Mr. Ickes, and eight of the individuals listed in your letter of November 17. These 302s will be redacted as necessary to protect ongoing investigations or for other clearly indicated reasons, such as to comply with Rule 6(e) of the Federal Rules of Criminal Procedure. We may be able to provide the Committee access to the 302s of additional individuals as investigations are closed or it is determined that the individual will not be a witness. We should note that the FBI did not interview five of the people listed in your November 17 letter and therefore has no 302s for them.

The decision by the Department and its FBI component to permit the Committee to review the 302s, but not to provide copies, is based on the chilling effect that public disclosure of the 302s can have on law enforcement. Historically, witnesses who have been interviewed by the FBI have understood that their interviews, and the information that they provided, would not be made public unless the witness were to testify at a public trial or the prosecutor were to use the information as the factual basis for a guilty plea. That understanding has helped persuade reluctant witnesses to speak candidly and in detail when being interviewed by the FBI. A witness who believes that it is likely that his or her interview will become public may become less willing to cooperate fully with the FBI.

The Department has observed what appears to be an increasing incidence of public release of 302s. The widespread public disclosure of 302s is likely to make it more difficult for the FBI to conduct its investigations in the future, especially in cases in which witnesses may become reluctant to cooperate out of a desire to avoid becoming publicly involved in a high-profile matter. Accordingly, we believe that providing Congress access to 302s, but not copies of them, is the best way to enable Congress to conduct its oversight duties while, at the same time, protecting the Bureau's ability to conduct effective criminal investigations.

We should emphasize that in keeping with our prior discussions with you and your staff in this matter, we have provided the Committee with copies of 302s for John Huang, Charlie Trie, and Johnny Chung, all of whom were granted immunity pursuant to18 U.S.C. Section 6005 to testify before the Committee after they had been convicted and sentenced for violations of federal criminal statutes. We provided those 302s to the Committee so that it could use them in questioning those persons during interviews or testimony. For the reasons discussed above, however, we believe that wholesale public release of those 302s may compromise the FBI's ability to conduct future criminal investigations. We respectfully request to meet with the Committee to discuss methods by which the Department could provide the Committee copies of the 302s of an immunized witness and the Committee could assure the Department that it would not disseminate the 302s beyond the extent necessary to question that witness.

We have completed our review of the 302s of President Clinton and Mr. Ickes and are prepared to provide the Committee a chance to review them at its convenience. We anticipate completing our review of the 302s for the other twelve persons in the near future.

Please do not hesitate to contact me if I may be of further assistance on this or any other matter.

Sincerely,

Robert Raben
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

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CHAIRMAN

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ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

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BERNARD SANDERS, VERMONT,
INDEPENDENT

December 14, 1999

The Honorable Janet Reno
Attorney General
U.S. Department of Justice
Tenth and Constitution Avenue, N.W.
Washington, DC 20530

Dear General Reno:

This letter responds to Mr. Raben's letter of December 10, 1999. In that letter, he indicated that the Department will not honor the Committee's subpoena, and that the Department will not provide the Committee with copies of the written summaries of FBI interviews with President Clinton and Harold Ickes. As you are no doubt aware, this is an abrupt about face for the Justice Department; approximately one month ago, Committee staff were informed that these two documents would be produced, without fail, on a specific date. Nearly four weeks have passed, the Committee has relied on repeated representations made by your employees, and now, the week before John Huang is scheduled to testify, Assistant Attorney General Raben discloses that the documents will not be produced.

I have a number of concerns about your position. First, when Democrat Chairman Don Riegle of the Senate Banking Committee wanted summaries of FBI interviews, your Justice Department did not object. Indeed, he was given 84 of these interviews and they were duly published in a report released by his Committee in 1994. Although you now argue that you will not provide FBI summaries "based on the chilling effect that public disclosure of the 302s can have on law enforcement[,]" I am unaware of analogous arguments being made when a Democrat-controlled Congress requested the same types of documents. More recently, the Department provided Chairman Clinger with 183 FBI summaries pertaining to the Travel Office matter. There are numerous other examples of the release to Congress of FBI interviews. My concern is that you appear to have developed a special standard just for the campaign finance investigation. Neither the Constitution nor precedent support your position, and I am concerned that your motivation is to keep the public from learning how thorough your investigators were when it came to questioning the President.

Another concern is Mr. Raben's argument that "[t]he Department has observed what appears to be an increasing incidence of public release of 302s." Chairman Riegle, a Democrat, released 84 FBI summaries in 1994. This Committee has released one summary in the last three years. It is difficult to conclude that the trend is "increasing." Mr. Raben's argument makes fine political theater, but it is not accurate.

Another concern of mine relates to the information you have produced. The Committee has now received FBI interview summaries for John Huang, Charlie Trie and Johnny Chung. The Committee did not ask for the Chung summaries, but for some reason you provided them to us. While we appreciate your largesse, the production of information that has not been requested appears to undercut the concerns expressed by Mr. Raben. If you are providing FBI interviews prior to an official request, your claims of chilling effect are somewhat suspect. It appears that you are concerned more with whose interviews have been requested, and not so much with the underlying principles as espoused in Mr. Raben's letter.

More important, however, is something you provided to Congress within the last week. As you are well aware, this Committee has worked with your employees to ensure that ongoing investigations and trials are not adversely impacted by the Committee's work. We have not always agreed, but we have come close. Your staff recently provided FBI interview summaries of Charlie Trie's FBI testimony. Your staff specifically requested, and we agreed, to have all information related to the Justice Department investigation of Ernest Green redacted from these documents. When we received the FBI summaries, however, we were astounded to learn that you had provided the Committee with at least one portion of Trie's testimony implicating Green in illegal conduct. This is of particular concern because you have repeatedly told us that Green is under investigation, and that release of this information to Congress could jeopardize that investigation. Thus, you are perhaps able to understand some of my frustration when your staff makes "principled" arguments about the importance of keeping information confidential. Again, there appears to be a double standard: politically helpful information can be disseminated, and politically damaging information must be protected.

In previous letters, I have expressed concern about leaks from the Department of Justice that have impacted the campaign finance investigation. I have also expressed concern that your staff disseminated a list of the status of all campaign finance investigations. Again, this information is of incalculable value to a defense attorney. The list of Justice Department campaign finance misfires goes on and on, and that is why I am, and have been for many months, conducting oversight of the Justice Department's role in the foreign money campaign finance investigation. At the end of the day, however, I am concerned that your decisions will have a permanent adverse impact on the Department of Justice. For this reason, I request that you simply honor the subpoenas that are outstanding, and that you refrain from forcing issues that will result in unfortunate precedent. Please provide the FBI summaries that have been requested by the close of business, Tuesday, December 14, 1999.

Sincerely,

Dan Burton
Chairman

cc: Hon. Henry A. Waxman, Ranking Minority Member

DAN BURTON, INDIANA
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BERNARD SANDERS, VERMONT,
INDEPENDENT

December 16, 1999

The Honorable Janet Reno
Attorney General
U.S. Department of Justice
Tenth and Constitution Avenue, N.W.
Washington, DC 20530

Dear General Reno:

I have just completed a review of the FBI summaries of the Justice Department's campaign finance interviews of the President and Vice President. As you are aware, for nearly three years I have expressed concerns about the infusion of foreign money into the American political system. Therefore, I am at a loss to understand why you would tolerate an investigation that failed to ask the President a single question about the following subjects: James Riady, John Huang, Charlie Trie, Mark Middleton, and the Presidential Legal Expense Trust. Indeed, the complete absence of any questions about foreign money is extraordinary.

I am also at a loss as to why you would tolerate an investigation that failed to ask the Vice President a single question about the following subjects: the Hsi Lai Temple, Maria Hsia, John Huang, and James Riady.

I have expressed the concern on numerous occasions that you and your Department were not able to conduct a thorough and impartial investigation of the President and your own political party. I have also suggested that the inherent conflict in your position creates a perception that justice is not being administered in an impartial fashion. You have appeared before my Committee and you have respectfully disagreed. Two years ago, almost to the day, you appeared before my Committee and told me that, in the campaign finance investigation:

"[W]e are going to follow every lead, wherever it goes[.]"

What am I to think, then, of an investigation that has failed to ask key witnesses any questions about the most important subjects in what has allegedly been one of the largest investigations ever undertaken by the Department of Justice? Indeed, you have accepted plea bargains and concluded prosecutions without the slightest concern that potentially important witnesses have not been approached. Two years ago I said that I thought you would have a hard time being

vigorous in a case that involves your superior and your political party. Your interviews of the President and the Vice President simply prove that my fears were real.

Let me give you a specific example. Yesterday, John Huang testified that before the 1992 election, James Riady and the President took a private limousine ride together. Mr. Huang told us, as he told your own lawyers, that Mr. Riady flew in from Indonesia just for this meeting and a fundraiser, and that he promised that he would raise one million dollars for the President. Did it ever occur to you that there can be very little confidence in the work product of the Justice Department if you neglect to ask the President a single question about Mr. Riady and what the two talked about?

Let me provide another specific example. Years after the initial million dollar promise and the illegal contributions that followed, a landscape architect named Wiriadinata was responsible for $450,000 in illegal contributions to benefit the President. After he and his wife gave the money, he told the President at one of the infamous White House coffees that "James Riady sent me." I would have thought that you would express some curiosity about the President's reaction. Apparently, you do not think the President should even have been troubled with questions about any of the illegal foreign money that benefited him.

Yesterday, at a hearing, I showed a tape of the President warmly greeting Mr. Riady just two months ago in New Zealand. Mr. Riady has thumbed his nose at our justice system, and your lawyers don't even want to know what he told the President during the private limousine ride, or what the President understood the presence of Mr. Riady's emissary to mean. As you well know from your extensive involvement as the head of the Justice Department campaign finance investigation, these two questions are not the only two that should be of interest to your lawyers. To me, it looks like your failure to ask the President any questions about foreign money issues is preferential treatment for your boss and for his good friend, Mr. Riady.

The fact that you and your attorneys have found it inappropriate to talk to the President about any of the foreign money aspects of the campaign finance scandal underscores my original concern that you are not able to investigate the President. It also raises concerns that you have not been vigorous in your efforts to investigate those who have already pled guilty to crimes. If you are not prepared to talk to witnesses, you are failing to gather evidence. If you fail to gather evidence, then you will never be able to get to the bottom of matters or project confidence that you have been thorough and fair.

Over three years have passed since the campaign finance scandal erupted. The Director of the Federal Bureau of Investigation, the first head of the Campaign Financing Task Force, and the lead FBI investigator all suggested that you appoint an Independent Counsel to investigate the campaign finance scandal. They did not think that the Justice Department was able to conduct an investigation and maintain the public's confidence. They also perceived that there was a fatal conflict of interest inherent in this investigation. When I asked you two years ago about your decision to refrain from appointing an Independent Counsel, you still had an opportunity to ensure that all leads were followed, and that witnesses were not given preferential treatment. You had the opportunity, but you did not seize it.

The Justice Department investigation of the campaign finance scandal has an unfortunate parallel in the Justice Department investigation of the Waco tragedy. In both cases, you personally decided that an independent investigation was not called for. In the Waco matter, you had one of your assistants supervise the investigation back in 1993. In the campaign finance investigation you fought every attempt to appoint an independent counsel, notwithstanding the advice of the Director of the FBI and your hand picked task force leader. Now, six years after the fact, you have had to appoint Senator Danforth to take the first independent look at Waco. Unfortunately, the damage to the Department regarding your initial failed investigation is severe. With the discovery that you did not conduct even a minimally thorough campaign finance investigation, the Justice Department and respect for the law will once again suffer.

I request that you provide a response, in writing, as to why you failed to ask the President and Vice President a single question about the millions of foreign dollars that were illegally laundered in order to benefit candidates in the 1992 and 1996 Presidential and Congressional elections. I request that you provide this response by December 31, 1999.

Sincerely,

Dan Burton
Chairman

cc: Hon. Henry A. Waxman, Ranking Minority Member

P.S. If your answers are not sufficient I shall subpoena you before the committee and you can answer directly to the American people.

U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

December 22, 1999

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

Dear Mr. Chairman:

Enclosed are additional documents (numbered DOJ-01292 through DOJ-01330) concerning discussions within the Department of Justice about a possible search warrant for the residence of Charlie Trie during the summer of 1997. These documents are all drafts or non-identical copies of previously produced documents; they were apparently inadvertently not produced earlier. Although we believe that the Committee is already aware of the essential substance of the information contained in these documents through prior productions, we wish to ensure that the Committee has a complete record of the available documents relevant to the Trie search warrant matter.

The documents have been redacted in keeping with the requirements of Federal Rule of Criminal Procedure 6(e) and 18 U.S.C. 3123(d).

Please do not hesitate to contact me if I may be of further assistance on this or any other matter.

Sincerely,

Robert Raben
Assistant Attorney General

Enclosures

cc: The Honorable Henry Waxman
Ranking Minority Member

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, DC 20530

December 30, 1999

The Honorable Dan Burton
Chairman
Committee on Government Reform
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Burton:

This is in response to your letter to the Attorney General dated December 16, 1999.

The Department and its Campaign Financing Task Force has conducted, and continues to conduct, a comprehensive investigation. Building our investigation in an orderly manner, agents and prosecutors have developed evidence that a number of individuals violated the campaign finance laws. Those individuals -- 22 to date -- have been prosecuted by the Task Force, despite the limitations of our campaign finance laws. Of those 22 individuals, 14 have been convicted, five await trial and two are fugitives. Because of the Task Force's efforts, many of the individuals convicted of these crimes have agreed to cooperate with the investigation. This cooperation has enabled the Task Force to continue its investigation, including as to matters raised in your letter.

While the Department cannot, as you know, provide the Committee with details about matters that the Task Force continues to pursue, let me briefly address the Task Force interviews of the President and Vice President in 1997 and 1998. As reflected in the FBI-302s, those interviews were generally limited in scope to matters which were then the subject of preliminary inquiries pursuant to the Independent Counsel Act. As a result, they were not all-encompassing interviews and additional interviews are not foreclosed.

The diligent and hard-working investigators and prosecutors

assigned to the Task Force continue to actively pursue this investigation. Their interest has been to get to the truth regarding the numerous and varied allegations that they have received, without regard to politics. If there are witnesses to be interviewed and evidence to be gathered, no matter the source, the members of the Task Force will make sure that it is done in a professional and comprehensive way.

The Attorney General would be pleased to meet with you and Mr. Waxman or with the Committee to discuss this matter. Please do not hesitate to contact our office if we can be of further assistance.

Sincerely,

Robert Raben
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

File - DOJ

DAN BURTON, INDIANA,
CHAIRMAN
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ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM
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JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

January 4, 2000

Monique Perez Roth, Esq.
Trial Attorney
U.S. Department of Justice
Campaign Financing Task Force
1400 New York Avenue, N.W., 5th Floor
Washington, D.C. 20530

Re: Requested Materials

Dear Ms. Roth:

During your interview of me on December 20, 1999, you requested certain materials relating to the Committee's investigation. You requested a copy of H. Res. 167, which granted the Committee on Government Reform and Oversight the authority to conduct staff depositions, as well as a copy of H. Rep. 105-139, the report of the Rules Committee accompanying H. Res. 167. Both of those documents are enclosed.

You also requested that I provide translations of certain records that the Committee discovered during a review of documents at the Task Force headquarters during the summer of 1998. Specifically, you asked for translations of records that the Committee found relevant to its investigation of Ernest Green. I have enclosed translations of 25 documents, and a transcription of one English document, that mention Mr. Green.

Please contact me if you have any questions about any of these documents.

Very truly yours,

David A. Kass
Deputy Counsel & Parliamentarian

Enclosures

cc: Michael Stern, Esq., Office of General Counsel, U.S. House of Representatives

U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

January 5, 2000

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

Dear Mr. Chairman:

I am writing with regard to your subpoena dated September 1, 1999, and letter from the Committee's Senior Counsel, Marc Chretien, dated October 8, 1999.

In his letter, Mr. Chretien requested that, among other items, all items in the San Antonio WACMUR file be produced in response to the Committee's subpoena. Two volumes of the San Antonio WACMUR file contain information regarding the FBI's investigation into possible violations of the Federal jury tampering statutes during the Branch Davidian trial held in San Antonio, Texas between January and February 1994. Both seated/selected and non-seated jurors had received publications via the U.S. mail at their residences from an organization known as the Fully Informed Jury Association (FIJA). It was determined that there was no apparent compromise of the juror's identities by either the U.S. Marshals Service or the Office of the Clerk of the Court. A subject was never identified nor prosecuted in this matter.

The volumes in question contain documents relating to the FBI's investigation into this matter. The volumes do not contain information pertaining to the events that occurred at

Honorable Dan Burton

Mt. Carmel between February 28 and April 19, 1993. Given the sensitive nature of the jury tampering investigation and the fact that these volumes do not contain information responsive to your requests, the FBI proposes that these volumes not be produced at this time. If, at some future time, the Committee decides it needs to review these volumes, please contact my office to discuss this matter.

Sincerely,

John E. Collingwood
Assistant Director
Office of Public and
Congressional Affairs

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BERNARD SANDERS, VERMONT,
INDEPENDENT

January 6, 2000

The Honorable Janet Reno
Attorney General
U.S. Department of Justice
Tenth and Constitution Avenue, N.W.
Washington, D.C. 20530

Re: Task Force Documents Relating to Yah Lin "Charlie" Trie

Dear General Reno:

As you know, the Committee on Government Reform has been investigating the illegal fundraising activities of Yah Lin "Charlie" Trie. One aspect of the Committee's investigation included reviewing documents seized by the Federal Bureau of Investigation from Mr. Trie's residence and business in Little Rock, Arkansas.

In 1998, my staff visited the office of the Campaign Financing Task Force to review and copy documents of interest to the Committee's investigation. However, the Justice Department did not allow the Committee to take these documents from the Task Force offices, on the grounds that their dissemination could jeopardize the investigation of Mr. Trie. I acceded to the Department's wishes. Therefore, those documents have been stored by the Task Force. Because the Committee's grant of immunity to Mr. Trie on November 10, 1999, clears the way for his public testimony, the Committee would like to obtain the copies of the documents stored at the Task Force headquarters. Those documents are essential for a full understanding of Mr. Trie's activities during the 1996 presidential election.

Since the copies of the documents are already gathered in one place, I request their delivery by Monday, January 10, 1999. If you have any questions, please contact the Committee's Chief Counsel, James C. Wilson at (202) 225-5074. Thank you for your attention to this matter.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman

Congress of the United States

Washington, DC 20515

January 11, 2000

The Honorable Janet Reno
Attorney General
U.S. Department of Justice
Tenth and Constitution Avenue, N.W.
Washington, D.C. 20530

Dear General Reno:

As you know, Florida Circuit Court Judge Rosa Rodriguez has scheduled a hearing for March 6 on a petition to grant temporary legal custody of Elian Gonzalez to his great uncle. In doing so, she ruled that the petition:

> *"Contains sufficient verified allegations that, if emergency relief is not granted and Elian is returned to Cuba, he would be subjected to imminent and irreparable harm, including loss of due process rights and harm to his physical and mental health and emotional well-being."*

Elian Gonzalez's mother died trying to bring him to freedom in America. We believe that, at a minimum, he deserves his day in court. He deserves the opportunity to exercise every legal option available to him, and no actions should be taken that would preempt his right to due process.

Last week, the Immigration and Naturalization Service set a date of January 14 for Elian's return to Cuba. There has been open speculation in the media that the Justice Department and the INS might not respect the State Court's jurisdiction in this matter, and might attempt to enforce the INS's decision without awaiting a ruling from the court. We believe that such a course of action would be a serious mistake.

We ask that you make a public commitment that the Justice Department will take no action to return Elian to Cuba until he has had the opportunity to exercise all of the legal options available to him. We do not believe that there is any justification for an attempt to short-circuit the judicial process. By publicly stating that you will take no action until judicial review of this matter has run its course, you will reduce the public anxiety that has surrounded this entire process and reinforce that, in the United States, the rule of law is paramount.

Thank you for your attention to this very important matter.

Sincerely,

Dan Burton, M.C.

Ileana Ros-Lehtinen, M.C.

Robert Menendez, M.C.

Patrick J. Kennedy, M.C.

Peter Deutsch, M.C.

Tom Delay, M.C.

Joe Scarborough, M.C.

Helen Chenoweth-Hage, M.C.

Benjamin Gilman, M.C.

Christopher Shays, M.C.

Robert G. Torricelli
United States Senator

Martin Frost, M.C.

Connie Mack
U.S. Senator

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BERNARD SANDERS, VERMONT,
INDEPENDENT

January 11, 2000

The Honorable Louis J. Freeh
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535-0001

Dear Director Freeh:

The Committee on Government Reform is conducting an investigation of campaign finance abuses and possible violations of law pursuant to its authority under Rules X and XI of the House of Representatives.

The Committee has recently come across numerous names of individuals believed to be from the Greater China region and who may have some role in the Committee's investigation. Charlie Trie, a witness in the campaign finance investigation, provided the Department of Justice Campaign Finance Task Force with the names during the Task Force's interview of Mr. Trie, and these names were provided to the Committee.

The Committee is trying to learn more about the individuals named by Mr. Trie and would appreciate your agency's assistance. The Committee is operating under some time constraints, as it plans to call Mr. Trie as a witness before a Committee hearing sometime in February 2000. The Committee requests that you search your files for any information you may have on the below named individuals. In order to expedite the request, the names which the Committee considers a priority are designated as such:

Priority

1. Lin Ruoqing (Chairperson, San You Scientific and Technical Industry Group; PLA)
2. Cui Yuliang (Chinese State Economic Planning Commission)
3. Li Dao Yu (PRC official)
4. Zhou Wenghong (PRC official)
5. Maria Han Xiao (San You Scientific and Technical Industry Group)
6. Lu Fen Yan (China International Travel Service)
7. Zhao Shi Xian (Import/Export Director – Changchun City)

8. Zhou Zi Mei (Overseas Economic Relations and Trade Corporation - Changchun)
9. Tomy Winata (a.k.a. Tommy Winata) (Artha Graha Group, Satelindo, Indonesia)
10. Santosa Gunara (a.k.a. Santoso Gunara) (Artha Graha Group, Satelindo, Indonesia)
11. Tan Tui Jin (a.k.a. Tan Tju Jin) (Artha Graha Group, Satelindo, Indonesia)
12. Chun Hua Yeh (Chairman, American International Bank. Taiwanese male – may hold Canadian citizenship)
13. Wang Tianming (Counselor, Economic and Commercial Section, PRC Embassy)
14. Li Shao Guo (Ministry of Foreign Economic Relations and Trade)
15. Cai Jinbao (PRC Consul General, Houston, TX)
16. Hsiao Yi (Taiwanese female)

Other Individuals

17. Dr. Peter Fu (FDA researcher in Little Rock, Arkansas)
18. Zhang Jiaming (Director, Changchun Biological Products Institute)
19. Yang Xiao Qing
20. Tan Shousheng
21. Keshi Zhan
22. Chen Zhu (President, Premier International Investment, Inc.)
23. Wei Ke Ming (Secretary/Treasurer, Premier International Investment, Inc.)
24. Qiao Shi
25. Hsie-Peter Chen (a.k.a. Chen Gengji)
26. Mo Kin Ching (Grand Union Corporation)
27. Jin Peng (Grand Union Corporation)
28. Chih Chong Chien or "Simon" Chien
29. Albert Yeung (Emperor Group – Hong Kong)
30. Xiao Yong An (Da Hua Company – Hong Kong)
31. Du Wei (Director, Beijing office, Daihatsu International Trading Corp.)
32. Xu Qing
33. Du Chang Sheng
34. Shen Shaogang (Employee of Ng Lap Seng)
35. Xiao Xinhui (Partner of Ng Lap Seng)
36. Leong Su Sam (Chairman, San Chung Hing Group)
37. Shen Zhu Bang (Employee of Ng Lap Seng)
38. Shen Shao Gang (Employee of Ng Lap Seng)
39. Cao Huan Lin (President, Capitol Hotel – Beijing)
40. Bik Fun Priscilla Wong (Sun Star Electronics)
41. Chu Lei
42. Shu Lan Liu
43. Yan Liang Ren
44. Aiping Wang (Weicheng International)
45. Su Ming
46. Ren Keyong
47. Xu Zhenchun (Chinese Association for Science and Technology)
48. Peng Yu Yeh

Companies

1. Changchun Biological Products Institute
2. San You Scientific and Technical Industry Group
3. Premier International Investment, Inc.
4. Grand Union Corporation
5. Emperor Group – Hong Kong
6. Da Hua Company – Hong Kong
7. China International Travel Service
8. Overseas Economic Relations and Trade Corporation – Changchun
9. San Chung Hing Group
10. Capitol Hotel – Beijing
11. Sun Star Electronics
12. Weicheng International
13. Chinese Association for Science and Technology
14. Nam Van Lakes Development

Please produce any information on the priority names to the Committee by January 25, 2000. Please have your staff contact Senior Counsel Kristi L. Remington at (202) 225-5074 with any questions. Thank you for your assistance in this matter.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman

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BERNARD SANDERS, VERMONT,
INDEPENDENT

January 12, 2000

The Honorable Janet Reno
Attorney General
U.S. Department of Justice
Tenth and Constitution Avenue, N.W.
Washington, DC 20530

Dear General Reno:

There is a great deal of public uncertainty regarding the legal foundations for the Immigration and Naturalization Service's ("INS") decisions regarding the fate of Elian Gonzalez. As I have repeatedly stated, my only concern is that Elian Gonzalez be afforded due process of law in the United States. This afternoon, your staff provided a briefing on INS's actions to date. The following questions were raised during the discussion and were not clearly resolved. I would appreciate an answer to the following questions at the earliest possible opportunity.

1. What is the current legal status of Elian Gonzalez? What statutory provision determines his current legal status?

2. What is the specific statutory basis for Commissioner Meissner's decision that Elian Gonzalez's father has the sole authority to speak for his son in immigration matters in the United States?

3. Does the Department of Justice believe that Commissioner Meissner's decision that Elian Gonzalez's father has the sole authority to speak for his son in immigration matters in the United States is subject to review in either federal or Florida State courts? What is the legal basis for this opinion?

I look forward to an answer to the above questions.

Sincerely,

Dan Burton

Dan Burton
Chairman

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

January 14, 2000

The Honorable Dan Burton
Chairman
House Committee on Government Reform
U.S. House of Representatives
Washington, D.C. 20515-6143

Dear Mr. Chairman:

This responds to your letter, dated January 4, 2000, requesting technical information about the forward looking infrared (FLIR) camera used at the Branch Davidian compound on April 19, 1993.

The FBI has advised that much of the information concerning the FLIR specifications is classified. Accordingly, we would like to provide a classified briefing to Committee Members and staff with appropriate security clearances. Due to the classified and law enforcement sensitive information involved, the FLIR specifications are not appropriate for public dissemination.

Representatives from the FBI's Office of Public and Congressional Affairs (OPCA) will contact Committee staff to schedule the briefing. Please do not hesitate to contact me if you would like additional assistance regarding this or any other matter.

Sincerely,

Robert Raben
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

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BERNARD SANDERS, VERMONT,
INDEPENDENT

January 19, 2000

Robert Raben, Esquire
Assistant Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Mr. Raben:

As you are aware, the Committee continues to investigate events pertaining to the April 19, 1993, tragedy at Waco, Texas. On September 7, 1999, the Committee issued a subpoena that requested the production of documents relating to the events relating to federal law enforcement actions at Waco and documents relating to the Department of Justice's investigation of the Waco tragedy.

Recently, during an interview of Mr. Edward S.G. Dennis, Jr., Committee staff learned that Mr. Dennis possesses documents relating to the Department's investigation that were not produced to the Committee or to the trial court pursuant to its order. Mr. Dennis indicated that he did not have any problem with producing these documents to Congress. I therefore request that you facilitate their production to the Committee as soon as possible.

Please have your staff contact André Hollis, Committee Counsel, at (202) 225-5074 if there are any questions regarding this request. Thank you in advance for your continued cooperation in this matter.

Sincerely,

James C. Wilson
General Counsel

cc: The Honorable Henry Waxman
Ranking Member

U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535

January 20, 2000

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

Dear Mr. Chairman:

I am writing with regard to your subpoena dated September 1, 1999, and letter from the Committee's Senior Counsel, Marc Chretien, dated October 8, 1999.

In his letter prioritizing the documents the Committee wanted to review, Mr. Chretien requested that, among other materials, all items in the San Antonio and Headquarters WACMUR files be produced. The FBI has assigned all available personnel resources to this massive production effort and to date has provided the entire San Antonio WACMUR file to the Committee. The materials provided in this file included all Title III tapes (approximately 165), all negotiation tapes (approximately 314) and approximately 60 VHS tapes related to the incident at Waco.

In its ongoing review of the Headquarters WACMUR file, the FBI has discovered that the file contains numerous copies of the media-type materials (i.e., Title III tapes, negotiation tapes and VHS tapes) which have already been produced to the Committee with the San Antonio WACMUR file. Additional copies of these same media-type materials are interspersed throughout the remainder of the files to be produced to the Committee.

Therefore, the FBI proposes that duplicate media-type materials not be produced to the Committee at this time, provided that we are able to confirm that the item is identical to one

The Honorable Dan Burton

already produced. By eliminating the need to reproduce these materials, the FBI will be able to more expeditiously process other materials requested by the Committee. If, at some future time, the Committee determines that it needs to review the duplicative tapes, we will of course make them available.

Sincerely,

John E. Collingwood
Assistant Director
Office of Public and
Congressional Affairs

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BERNARD SANDERS, VERMONT,
INDEPENDENT

January 24, 2000

Robert Raben, Esquire
Assistant Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Mr. Raben:

As you may be aware, Committee staff interviewed Mr. Richard Scruggs on January 5, 2000, regarding the Department's October, 1993, Report on the Waco tragedy. Mr. Scruggs indicated that documents relating to the drafting of the Report were in the Department's possession and, in fact, he produced seventeen pages of documents relating to the underlying investigation.

To date, however, the Committee has received no additional documents that relate to Mr. Scruggs' investigation. In addition, the Committee understands that documents responsive to the Committee's subpoena and within the possession of the Federal Bureau of Investigation have been available for production to the Committee since the middle of December. The Committee has yet to receive those documents.

Please have your staff contact André Hollis, Committee Counsel, at (202) 225-5074 to discuss the production of all the outstanding documents germane to the Justice Department Report prepared by Mr. Scruggs. Thank you in advance for your cooperation.

Sincerely,

James C. Wilson
General Counsel

Robert Raben, Esquire
January 24, 2000

cc: The Honorable Henry Waxman
Ranking Member

Faith Burton, Esquire (via facsimile)
Senior Special Counsel

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ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

MAJORITY (202) 225–5074
MINORITY (202) 225–5051
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HENRY A. WAXMAN, CALIFORNIA,
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BERNARD SANDERS, VERMONT,
INDEPENDENT

January 24, 2000

Honorable Robert Raben
Assistant Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear ~~Mr.~~ Raben:

Pursuant to my telephone conversation with Associate Deputy Attorney General Craig Iscoe, this letter serves as a formal request for the Department of Justice cooperation agreements with Man Ho, Yi Chu, and Suh Jen Wu.

Please provide copies of these agreements at your earliest convenience.

Sincerely,

James Wilson
Chief Counsel

cc: Honorable Craig Iscoe
Honorable Henry Waxman

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General *Washington, D.C. 20530*

January 27, 2000

James Wilson, Esq.
Chief Counsel
Committee on Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Wilson:

This is in response to your letter of January 24, 2000. Enclosed please find copies of the cooperation agreements with the Department that the Venerable Man Ho Shih and the Venerable Yi Chu signed in August of 1997. These agreements have been entered in the record of United States v. Maria Hsia, Cr. No. 98-0057. We will provide the Committee with a copy of the cooperation agreement for the Venerable Abbess Tzu Jung at such time as we can release it publicly. Also enclosed is a copy of the Memorandum Opinion and Order that the Court issued on January 24, 2000, regarding the appearances of the Venerable Man Ho Shih, the Venerable Yi Chu, and the Venerable Abbess Tzu Jung at the trial of Ms. Hsia.

Please do not hesitate to contact us if we may be of further assistance on this or any other matter.

Sincerely,

Robert Raben
Assistant Attorney General

Enclosures

cc: The Honorable Henry Waxman
Ranking Minority Member

U. S. Department of Justice

Washington, D.C. 20530

BY FACSIMILE AND FIRST CLASS MAIL

Mr. Brian Sun
O'Neill, Lysaght, & Sun
100 Wilshire Boulevard
Santa Monica, CA 90401-1142

Dear Mr. Sun:

It is our understanding that your client, Ms. Yi-Chu, desires to cooperate with the government in its efforts to enforce federal law on the condition that her statements are protected by a grant of use immunity. This letter is intended as a grant of that immunity, co-extensive with the terms set forth in 18 U.S.C. Sections 6001-6002.

The specific terms of this grant of use immunity are as follows:

1. The government will specifically question Ms. Yi-Chu as to her knowledge of all matters which the government, in its sole discretion, deems relevant to its ongoing criminal investigation regarding campaign financing issues. The government agrees that no responsive statement made or information provided pursuant to this agreement may be used, directly or indirectly, against Ms. Yi-Chu in any criminal case, except in a prosecution for perjury or giving a false statement.

2. In return, Ms. Yi-Chu agrees that she will provide complete and truthful information to law enforcement officials regarding any criminal conduct on her part and everything she knows or has reason to believe about the criminal conduct of others. She also agrees to produce all documents and physical evidence of any kind in her possession or under her control which relate to the information she provides.

3. Ms. Yi-Chu agrees to provide complete and truthful testimony to any grand jury, trial jury, judge, or magistrate in any proceeding in which she may be called to testify.

4. For instance, Ms. Yi-Chu must neither conceal nor minimize her own actions or involvement in any crime, nor conceal, minimize, fabricate, or exaggerate anyone else's actions or

involvement in any crime. She must be completely truthful about the facts, whatever those may be.

5. Ms. Man Ho understands that the crimes of giving false statements and of perjury are felonies, each instance of which is punishable by up to five years in prison and a $250,000 fine.

6. You and Ms. Man Ho acknowledge and agree that the Department of Justice cannot bind the Federal Election Commission (FEC), or make any promises or representations regarding any civil proceedings that may be instituted by the FEC with respect to persons who may have violated one or more provisions of the Federal Election Campaign Act, 2 U.S.C. Sections 431-442.

7. Any material breach of this agreement by Ms. Man Ho will void the agreement in its entirety and will release the government from any obligation under this agreement.

8. No commitments, promises, or representations have been made to you or Ms. Man Ho regarding the use immunity being provided to Ms. Man Ho, other than those contained herein.

9. Ms. Man Ho acknowledges that this agreement has been read to her in her native language and that she has reviewed this agreement with her counsel and fully and completely understands its contents.

If the terms of this letter meet with your approval, please sign and date this letter, and have Ms. Man Ho do so as well. The original should be returned to us by mail or should be provided to us in hand prior to the questioning of Ms. Man Ho.

Thank you.

Sincerely,

Eric L. Kaffe
Trial Attorney
Public Integrity Section
Criminal Division
(202) 307-0773

AGREED:

Ms. Man Ho

Date: Aug. 5, 1997

Mr. Brian Sun

Date: 8/5/97

01/24/00 MON 16:15 FAX
01/24/00 MON 16:50 [redacted]
003
002

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED
JAN 2 4 2000
NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

VENERABLE ABBESS TZU JUNG VENERABLE MAN HO SHIH, and VENERABLE YI CHU, Intervenors.	Miscellaneous No. 99-0420 (PLF)
UNITED STATES OF AMERICA, v. MARIA HSIA, Defendant.	Criminal No. 98-0057 (PLF)

MEMORANDUM OPINION AND ORDER

This matter is before the Court on the motion of intervenors Venerable Abbess Tzu Jung, Venerable Man Ho Shih and Venerable Yi Chu to reconsider this Court's Order of October 16, 1998 regarding trial subpoenas. That order confirmed the continuing validity of the trial subpoenas that had been served on these witnesses before the Court continued the trial date. On September 13, 1999, the Court set a new trial date of January 18, 2000, and opening statements now are scheduled for January 27, 2000. The Court heard argument on the intervenors' motion on January 18, 2000.

Intervenors first argue that the subpoenas are stale and no longer valid because of the length of time between the original trial date for which the subpoenas were issued and the new trial date -- nearly 16 months -- and that the subpoenas therefore should be quashed.

The Court disagrees. By virtue of this Court's October 16, 1998 Order, everyone was on notice that "the trial subpoenas remain in full force unless vacated upon proper application." Intervenors made no such application for nearly 15 months, until January 11, 2000 -- one week before the scheduled trial date -- even though they had been aware of the new trial date since at least November 18, 1999. The application to quash the subpoenas is denied; the subpoenas remain valid and in full force and effect and must be honored. See Blackmer v. United States, 284 U.S. 421, 442-43 (1932); In re Grand Jury Witness, 835 F.2d 437, 441-42 (2d Cir. 1987).

Intervenors next argue that they have adequate excuses for not appearing for trial because of their religious responsibilities. They invoke both the Free Exercise Clause of the First Amendment and the Religious Freedom Restoration Act, 42 U.S.C. § 2000bb et seq. With respect to the Venerable Abbess Tzu Jung, her counsel concedes that while it would be a hardship for her to appear, she has no adequate excuse for not doing so. Counsel therefore has advised the Court that the Abbess will appear to testify at trial and has discussed specific dates for her testimony with government counsel.

Counsel has represented to the Court that Venerable Man Ho is currently assigned to the main Fo Kuang Shan Temple in Taiwan and that "[t]ravel to the United States for an extended period of time would create an undue hardship for Venerable Man Ho and negatively impact her religious duties. She thus requests the Court find her excused from appearing to testify." Intervenors' Motion at 3. Counsel further suggests that "an extreme hardship exists which precludes [her] ability to comply with the government's subpoenas." Intervenors' Reply at 7. Such "hardship" hardly has First Amendment implications. There is no adequate excuse for Venerable Man Ho's failure to appear for trial, and she is directed to

do so on pain of contempt. See Smilow v. United States, 465 F.2d 802, 804 (2d Cir.), vacated on other grounds, 409 U.S. 944 (1972).

At first blush, Venerable Yi Chu presents a somewhat more difficult problem. Although no affidavit has been filed in support of her Free Exercise claim, her counsel has represented that Venerable Yi Chu was assigned to a one-year meditation program in Taiwan on November 8, 1999, and that the rules and regulations of the Fo Kuang Shan Order of the Buddhist religion require that she not travel or have contact with the outside world during that period. Intervenors' Motion at 2, 7-8. Counsel also states that Venerable Yi Chu is not allowed to speak during this one-year period and could never be readmitted to the program if she left to come to the United States to testify. Intervenors' Reply at 2-3. There is no clear support for these assertions, however, even in the unsworn submissions provided as exhibits to intervenors' motion papers -- excerpts from two brochures, including translated excerpts from a document (or portion of a document) entitled "Regulations Regarding Zen Buddhism Study Hall." See Intervenors' Motion, Exhibit C; Intervenors' Reply, Exhibit A.

For example, although conversing with others at the abbey and greeting classmates may not be permitted, there is no evidence that Venerable Yi Chu is prevented from speaking to counsel about her obligations to this Court and the necessary travel arrangements that must be made, or that she is prohibited from testifying at trial. Nor is there support for the argument that she could "never" be readmitted to a one-year meditation program like the one in which she now is participating. In short, the Court has been given no evidence of an unconstitutional burden on Venerable Yi Chu's free exercise of religion that would excuse her appearance to testify at trial, and she is directed to do so on pain of contempt. See Mack v.

O'Leary, 80 F.3d 1175 (7th Cir. 1996); Smilow v. United States, 465 F.2d at 804. The Court will hear testimony with respect to the burdens on free exercise -- including possibly expert testimony -- at any contempt hearing that may become necessary.

Finally, while the Court is not certain whether Venerable Man Ho Shih and Venerable Yi Chu are nationals or residents of the United States, the Court expressly finds that the testimony of these witnesses is necessary in the interest of justice. 28 U.S.C. § 1783. "[O]ne of the duties which the citizen owes to [her] government is to support the administration of justice by attending its courts and giving [her] testimony whenever [she] is properly summoned." Blackmer v. United States, 284 U.S. at 438 (upholding sanctions imposed for refusal to obey a subpoena directing U.S. citizen to return from abroad to testify as a witness for the government at criminal trial).

Upon consideration of the foregoing, it is hereby

ORDERED that Intervenors' Motion for Reconsideration of Order Regarding Trial Subpoenas is DENIED; it is

FURTHER ORDERED that all counsel in this case and counsel for the Intervenors shall appear at a status conference at noon on Wednesday, January 26, 2000, at which time counsel shall advise the Court of his clients' intentions in view of this Memorandum Opinion and Order; and it is

FURTHER ORDERED that in the absence of a further order from this Court, Venerable Yi Chu and Venerable Man Ho Shih shall appear before this Court on January 28, 2000 at 9:00 a.m. upon pain of contempt.

SO ORDERED.

DATE: 1/24/00

PAUL L. FRIEDMAN
United States District Judge

DAN BURTON, INDIANA,
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BERNARD SANDERS, VERMONT,
INDEPENDENT

January 27, 2000

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Re: Grant of Immunity to Yah Lin "Charlie" Trie

Dear General Reno:

On November 10, 1999, the Committee on Government Reform voted to grant immunity to Yah Lin "Charlie" Trie. In the near future, the Committee expects to hold public hearings where Mr. Trie will give his testimony. In order to prepare properly for the public hearings, Committee staff would like to interview Mr. Trie in an informal setting first, just as your prosecutors have interviewed him. However, Mr. Trie's counsel has taken the position that the grant of immunity conferred by the Committee does not apply to non-compulsory testimony, including interviews. Unfortunately, the immunity statute does not explicitly allow the Committee to offer any other form of immunity which would apply to a voluntary interview. Accordingly, the Committee has been exploring other methods by which Committee staff and Mr. Trie will be able to speak prior to the Committee hearings.

As you know, the Justice Department has the power to provide individuals with a letter granting them immunity from prosecution based on information provided in the course of a certain interview. The Justice Department interviewed Mr. Trie on a number of different occasions, and apparently gave Mr. Trie a grant of immunity for each interview. I request that the Department give Mr. Trie a similar letter granting him immunity from prosecution for information which he provides to the Committee in the course of voluntary interviews prior to his public testimony.

I am hopeful that the Justice Department will agree with this simple request. As I indicated, the Justice Department gave Mr. Trie this kind of immunity on a number of earlier occasions. Moreover, given that the Department decided that the Committee's formal grant of immunity did not endanger the Department's ongoing criminal cases, neither should a letter granting immunity for interviews with staff. Your cooperation

with the request will allow the Committee to prepare for lengthy hearings by reviewing a large volume of evidence with Mr. Trie in an informal setting prior to the formal hearing.

As the Committee plans to proceed with hearings in the near future, I would appreciate a response to my request by February 2, 2000.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 3, 2000

Mr. James C. Wilson
General Counsel
Committee on Government Reform
U.S. House of Representatives
Washington, D.C. 20515-6143

Dear Mr. Wilson:

This responds to your letter, dated January 24, 2000, regarding the Department's production of Waco-related documents responsive to the Committee's subpoena. We have produced to the Committee the vast bulk of the materials identified in your letter and we will continue to make every good faith effort to meet our production obligations in a timely manner.

The files gathered by Mr. Scruggs in the course of his investigation, and that served as the basis for his report, consist of three boxes of documents and a large collection of audiotapes. On January 18, 2000, we produced to the Committee two of the three boxes. The remaining box, consistent with our standard practice, is presently under review at the FBI and we expect that it will be produced to the Committee in the very near future. Copies of the audiotapes that comprise the remainder of the Scruggs materials, recordings of the negotiations with the Branch Davidians and Title III interceptions of conversations inside the Compound, were produced to the Committee on November 22, 1999.

The additional FBI documents which your letter indicates had not been received by the Committee, plus special media from the files of the FBI, were produced to the Committee in two parts, on January 18 and 24. The production of these materials was delayed for a short period, regrettably, while we were considering how best to manage the production of materials from all Department components responsive to the Committee's several subpoenas.

Additionally, I want to confirm that on February 1, 2000, in response to an informal Committee staff request, we produced to the Committee a copy of the FBI's Proposed Operations Plan, bearing Bates numbers WWC182-0100 to 0108. This document was among the materials provided to the Attorney General by the FBI on April 12, 1993. These briefing materials, including the Proposed Operations Plan, were produced to Congress in 1995 (bearing the designations "WACO 3378" to "WACO 3480").

I hope that this information is helpful. Please do not hesitate to contact me if you would like additional assistance regarding this or any other matter.

Sincerely,

Robert Raben
Assistant Attorney General

cc: Mr. Michael Yeager
Democratic Staff

Maura

U.S. Department of Justice

Campaign Financing Task Force
Criminal Division

Monique Perez Roth
Trial Attorney

Direct Line:
202/616-4381

1400 New York Ave, N.W., 5th Floor
Washington, D.C. 20530

202/307-0655
202/307-0744 (fax)

February 7, 2000

VIA FACSIMILE and U.S. MAIL

The Honorable Dan Burton
The Honorable Henry A. Waxman
House of Representatives
United States Congress
Committee on Government Reform and Oversight
c/o
Office of the General Counsel
219 Cannon House Office Bldg
Washington, DC 20515
FAX: (202) 226-1360

RE: Production of Written Summaries of Witness Interviews

The Honorable Messrs. Burton and Waxman:

The Department of Justice Campaign Financing Task Force ("Task Force") is investigating matters related to the 1996 election cycle. In this vein, the Task Force is considering a criminal referral by the Committee on Government Reform of the House of Representatives ("House Committee"). The referral requests that the Department of Justice investigate, among other things, the role, if any, played by Ernest Green in the attendance of Wang Jun at a White House coffee on February 6, 1996. The referral also alleges, among other things, that Ernest Green provided false and perjured testimony to the House and Senate in his various depositions and that, by so doing, he obstructed the congressional investigations to which his testimony related. Ernest Green was deposed by the House Committee on December 17, 1997 and again on September 25, 1997.

In order to fully and properly investigate these allegations, the Task Force is seeking copies of written summaries of witness interviews prepared by the Committee. Specifically, the Task Force is seeking written summaries of interviews of: Theodore Roosevelt, Jill Shavitz, Martha Shoffner, Jeff Mishkin, Sue Ling Gin, Tim Russell, Jennifer Russell, Larry Garrett, Mimi Chang, Dr. Shenchun Xu, Manlin Foung, Tai A. Lin, George Johnson, Jody Webb, William Peh Kong Wan, Charles Chiang, Carol Pan, Priscilla Wong Bik Fun and Meredith Woo-Cummings.

We trust that you appreciate the need to keep this matter, including this letter and its contents, strictly confidential, and look forward to your prompt response.

Sincerely,

ROBERT J. CONRAD, Jr.
Chief
MONIQUE PEREZ ROTH
Trial Attorney
Campaign Financing Task Force

U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 7, 2000

The Honorable Dan Burton
Chairman
Committee On Government Reform
U.S. House of Representatives
Washington, DC 20515-6143

Dear Mr. Chairman:

Thank you for your January 12, 2000, letter to the Attorney General regarding the case of Elián González.

Elián González is inadmissible to the United States under Section 212(a)(7) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1182(a)(7). When Elián first arrived in Florida on November 25, 1999, the Immigration and Naturalization Service (INS) deferred his inspection and paroled him until December 23, 1999, pursuant to 8 C.F.R. § 235.2. In order to permit a thorough evaluation of the issues in his case, the INS later deferred his inspection again until January 21, 2000, and has since extended again this inspection date. Elián thus remains in parole status pursuant to 8 C.F.R.§ 235.2.

On January 5, 2000, the INS determined that Juan González, Elián's father, had the sole authority under applicable law to speak for his son. Our decision that Elián's father and sole surviving parent, Juan González, has the legal authority to speak for him in immigration matters is consistent with INS practice and with the legal principle that the parent is the person most able to represent the child's best interests. When an unaccompanied minor alien, such as Elián, arrives in the United States without proper entry documents, the INS routinely attempts to contact a parent, either in the United States or in another country, regarding the child's whereabouts and inadmissibility. Here, after Elián's inspection was deferred, the INS met with his father who clearly articulated his desire that Elián withdraw his application for admission and return to Cuba.

United States law upholds the primacy of the parent-child relationship and the right of a parent to direct the management and care of a child. The United States Supreme Court has recognized that "[t]he history and culture of Western civilization reflect a strong tradition of parental concern for the nurture and upbringing of their children. This primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition." Wisconsin v. Yoder, 406 U.S. 205, 232 (1972); see also Pierce v. Society of Sisters, 268 U.S. 510, 535 (1925). With this role as primary care-giver and protector comes the recognition of "the right of parents, not merely to be notified of their children's actions, but to speak and act on their behalf." Hodgson v. Minnesota, 497 U.S. 417, 483 (1990) (Kennedy, J., concurring in part and dissenting in part) (citing J. Schouler, Law of Domestic Relations 337 (3d ed. 1882); 1 W. Blackstone, Commentaries 452-53; 2 J. Kent, Commentaries on American Law 203-06; G. Field, Legal Relations of Infants 63-80 (1888)).

It is not the case, however, that, without exception, INS will always send a child back to the surviving parent. In deciding whether to give effect to the father's wishes in this case, the INS carefully examined whether there was any reason that the father could not be relied upon to represent the child's interests. Specifically, the INS considered allegations that the father was under coercion such that he was not able to express his true wishes for the child or was not able to assess properly whether the child was at risk of persecution or torture upon his return to Cuba. On both counts, after interviewing the father on two occasions and the Miami relatives, as well as examining other available information, including the asylum application tendered on Elián's behalf, the INS found no reason to question the father's decision not to assert an asylum claim on behalf of Elián or his desire to be reunited with his son.

Therefore, the INS found no basis for disregarding the clearly stated decision of Elián's father to withdraw his son's application for asylum. Although it is possible for a minor to apply for asylum over the wishes of his parent, this is not such a case. A Federal appeals court, in considering this question, has determined that a 12-year-old child is "near the lower end of an age range in which a minor may be mature enough to assert

certain individual rights that equal or override those of his parents." Polovchak v. Meese, 774 F.2d 731, 736 (7th Cir. 1985). Therefore, in keeping with INS policy, the INS permitted Elián's father to withdraw his son's application for admission pursuant to INA § 235(a)(4), 8 U.S.C. § 1225(a)(4), and to decline to file an asylum application on his behalf.

We believe that resolution of the question who should speak for Elián in immigration matters is exclusively within the purview of the INS, as the Federal agency charged with implementing and enforcing the Nation's immigration laws. We further believe that the INS decision may only be challenged, if at all, in Federal court. As you may know, the attorneys representing the child's great uncle have filed such a challenge in the U.S. District Court in Miami.

In the event you have further questions regarding this matter, please do not hesitate to contact this office.

Sincerely,

Robert Raben
Assistant Attorney General

cc: Henry A. Waxman
Ranking Minority Member

U.S. Department of Justice

Office of the Assistant Attorney General

Washington, D.C. 20530

February 11, 2000

The Honorable Dan Burton
Chairman
Committee on Government Reform
U.S. House of Representatives
Washington, D.C. 20515-6143

Dear Mr. Chairman:

This supplements our prior responses to the Committee's subpoena issued September 1, 1999, requesting certain documents relating to Waco.

Enclosed are 292 photographs from the Federal Bureau of Investigation (FBI) Headquarters files that the Committee staff requested be produced on an expedited basis at our meeting yesterday. These photographs were taken by Daniel Korb, a Photographer in the Special Photographic Unit of the FBI Laboratory Division. These photographs (and some associated materials) bear the Bates numbers GNC077-0001 to CNG077-0305. In order to produce these photographs in this accelerated fashion, we have not had time to scan images of the photographs to a CD-ROM disk. We will produce to the Committee shortly a CD-ROM disk with images of the photographs, as well as a copy of each photograph endorsed with the unique assigned Bates numbers, as is our usual practice.

I hope that these materials are helpful. Please do not hesitate to contact me if you would like additional assistance regarding this or any other matter.

Sincerely,

Robert Raben
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

DAN BURTON, INDIANA
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
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ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

MAJORITY (202) 225–5074
MINORITY (202) 225–5051
TTY (202) 225–6852

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BERNARD SANDERS, VERMONT,
INDEPENDENT

February 11, 2000

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Re: Grant of Immunity to Yah Lin "Charlie" Trie

Dear General Reno:

On January 27, 2000, I wrote to you and requested that you consider providing assistance to the Committee on Government Reform as it attempts to interview Yah Lin "Charlie" Trie prior to its public hearing. As I indicated earlier, an informal interview with Trie should be easy to arrange, and it should assist both the Committee and the Department in preparing for the public testimony of Charlie Trie.

As I explained in detail in my January 27 letter, the Committee is unable to conduct an informal interview of Mr. Trie prior to the hearing, because counsel for Mr. Trie have taken the position that the Committee's grant of immunity does not apply to non-compulsory testimony, including interviews. Accordingly, if Mr. Trie is to provide an interview to the Committee, he will require a letter from the Justice Department granting him immunity from prosecution based on information provided in the course of the interview. The Justice Department has apparently granted this form of immunity to Mr. Trie on earlier occasions, so I cannot see why the Department would be hesitant to do so again.

As I also indicated in my earlier letter, I believe that such a process would be a great help to both the Committee and the Department of Justice. First, it would allow the Committee to review a larger body of evidence with Mr. Trie than it would be able to in public session. Additionally, it will allow the Committee to dispose of issues that are not necessarily relevant to a public hearing. The interview will assist the Justice Department as it will give the Department the opportunity to hear Mr. Trie's responses to the Committee prior to his public testimony. If Mr. Trie's hearing testimony raises issues that affect ongoing investigations, or the possibility of new investigations, the interview would give the Justice Department the ability to request that the Committee not raise these issues in public.

My staff has discussed my request with your staff several times since January 27, but we have not received a definitive response. As the hearing date is rapidly approaching, I would appreciate it if the Department could reach a decision on whether it will assist the Committee in this effort.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 15, 2000

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

Dear Mr. Chairman:

This is in response to your letters of January 27 and February 11, 2000, in which you request that the Department of Justice provide Yah Lin "Charlie" Trie informal "letter immunity" that would grant him use immunity from federal prosecution for any statements or information he provides to the Committee in the course of voluntary interviews prior to his testimony. In response to your request, we have sent Mr. Trie's counsel a letter (a copy of which is enclosed) setting forth the Department's commitment to treat any statements or information provided by Mr. Trie during informal interviews prior to his testimony as if they were covered by the Court's use immunity Order.

We note that it would be inappropriate for the Department to attempt to compel Mr. Trie to participate in pre-testimony interviews and for Department personnel to attend such interviews. Neither would serve a law enforcement purpose, nor be consistent with the Department's longstanding view, based on separation of powers and due process concerns, that the Executive Branch should not become a partner in, or an agent for, an investigation conducted by a component of the Legislative Branch. In this instance, we were willing to provide the enclosed letter to Mr. Trie in response to the Committee's request because we view the letter as a de minimus extension of the court-ordered use immunity for congressional testimony, to which the Department has previously indicated it has no objection.

Please do not hesitate to contact me if I may be of further assistance on this or any other matter.

Sincerely,

Robert Raben
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

February 15, 2000

Reid Weingarten, Esq.
Steptoe & Johnson
1330 Connecticut Ave., N.W.
Washington, D.C. 20036

Dear Mr. Weingarten:

I understand from the Chairman of the House Committee on Government Reform that your client, Yah Lin "Charlie" Trie, has expressed concern about participating in informal preparatory interviews with Committee staff prior to his immunized congressional testimony because the Court's congressional immunity Order with respect to Mr. Trie does not apply to non-compulsory testimony.

At Chairman Burton's request, I am writing on behalf of the Justice Department to inform you that the Department will treat any statements or information provided by Mr. Trie during informal preparatory interviews with Committee staff prior to his immunized testimony as if they were covered by the Court's immunity Order. We trust that the Department's commitment in this regard will address Mr. Trie's Fifth Amendment concerns about the Committee's pre-testimony interviews.

Sincerely,

Michael E. Horowitz
Chief of Staff to the
Assistant Attorney General

cc: The Honorable Dan Burton
The Honorable Henry Waxman

Subpena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To .....United States Department of Justice Serve: Honorable Janet Reno.....

You are hereby commanded to produce the things identified on the attached schedule before the .....Full..... Committee on .....Government Reform..... of the House of Representatives of the United States, of which the Hon. .Dan Burton..... ..... is chairman, by producing such things in Room ....2157..... of the .....Rayburn..... Building ....., in the city of Washington, on .....March 1st., 2000....., at the hour of .....5:00PM.....

To .....Maria Pia Tamburri.....

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this .....16th. day of ...February....., 2000.

.....Dan Burton.....
Chairman.

Attest:

.....Jeff Trandahl.....
Clerk.

Subpena for..U.S...Department.of..Justice

.Serve:..The.Honorable.Janet.Reno.....

.Tenth..Street.&.Constitution.Avenue,. NW

.Washington,..DC.20530.....

before the Committee on the.....

.Government.Reform.....

.....

Served.BY:.Maria Pia Zamudio

.TO:.Faith Burton - via facsimile & 1st class mail

.DATE:.2/17/00.TIME:..2:39 pm

.....

.....

.....

.....House of Representatives

SCHEDULE A

Subpoena Duces Tecum
Government Reform Committee
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

United States Department of Justice
Serve: Attorney General Janet Reno
Tenth Street & Constitution Avenue N.W.
Washington, D.C. 20530

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions, please contact Chief Investigative Counsel James C. Wilson at (202) 225-5074.

Definitions and Instructions

(1) For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

(2) For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

(3) This subpoena calls for the production of records, documents and compilations of data

and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

(4) The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

(5) No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

(6) If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

(7) When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by data, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

(8) This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

Subpoenaed Items

Please provide the Committee with all records relating to Justice Department investigations of possible unauthorized disclosures of information by Richard Scruggs.

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BERNARD SANDERS, VERMONT,
INDEPENDENT

February 17, 2000

Robert J. Conrad, Jr.
Monique Perez Roth
U.S. Department of Justice
Campaign Financing Task Force
1400 New York Avenue, N.W., 5th Floor
Washington, D.C. 20530

Re: Requested Materials

Dear Mr. Conrad and Ms. Roth:

In response to your request of February 7, 2000, I am pleased to enclose copies of interview summaries conducted by staff of the Committee on Government Reform. Enclosed are copies of interview summaries for the following witnesses: Theodore Roosevelt, Jill Shawitz, Martha Shoffner, Jeff Mishkin, Sue Ling Gin, Tim Russell, Jennifer Russell, Larry Garrett, Mimi Chang, Dr. Zhenchun Xu, Manlin Foung, Tai A. Lin, George Johnson, Jody Webb, William Peh Kong Wan, Charles Chiang, Carol Pan, Priscilla Wong Bik Fun, and Meredith Woo-Cumings.

If you have any questions about this matter, or if there is any way that the Committee can further assist you, please do not hesitate to contact me at 225-5074.

Very truly yours,

David A. Kass
Deputy Counsel & Parliamentarian

Enclosures

cc: Michael Stern, Esq., Office of General Counsel, U.S. House of Representatives

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 17, 2000

The Honorable Dan Burton
Chairman
Committee on Government Reform
U.S. House of Representatives
Washington, D.C. 20515-6143

Dear Mr. Chairman:

This supplements our prior responses to the Committee's subpoena issued September 1, 1999, requesting certain documents relating to Waco.

On February 15, 2000, we delivered a box to the Committee that contained 10 audiotapes (and surrogate pages -- images of the produced special media -- Bates-stamped CNG060-0001 to 0010) from the FBI Headquarters files and other FBI materials.

On February 16, 2000, we delivered two boxes that contained copies of documents from the Federal Bureau of Investigation and from the Constitutional and Specialized Litigation Section (CSTS) of the Civil Division. The first box contained documents totalling 4063 pages and bearing the Bates numbers CNG068-0001 to 4043; CNG002-0141A, -0141B, -0141C, -0141D, -0147A, -0147B; and CNG004-0832A, -0853A, -0882A, -1917A. The documents bearing the Bates number prefixes CNG068 are from the FBI Headquarters files. The 10 pages that bear a Bates number with an alphabetic suffix are materials from the FBI Hostage Rescue Team files in Quantico, Virginia. These pages were not produced to the Committee when the remaining HRT materials were produced in September of last year. At the time the FBI transferred the HRT materials to the U.S. Marshals Service, the FBI Office of General Counsel (OGC) photocopied the materials to have a set from which to produce documents responsive to the congressional subpoena, as well as various outstanding discovery requests in the civil litigation. Apparently, during the process of photocopying the set of materials responsive to the Committee's subpoena, these pages inadvertently were omitted. These pages should be inserted (in alphabetic order) immediately behind the previously-produced pages with the same numeric Bates numbers. I have also enclosed for your convenience one CD-ROM disk, designated CN25, that contains images of the materials in these boxes.

The second box we delivered yesterday contained CSTS documents that are additional materials from the files of Richard Scruggs, Bates-stamped GNC074-0001 to 0747.

Please note that where information that is privileged in the litigation or covered by Rule 6(e) has been removed, a sheet setting forth this fact has been substituted. Please note as well that documents originating with other agencies, such as the Bureau of Alcohol, Tobacco and Firearms and the Federal Bureau of Investigation, have been removed and referred to those agencies in accordance with our usual third-agency practice. Again, a sheet denoting this fact has been substituted in place of the missing page. We anticipate the agencies will complete their review and return the materials to us shortly.

I hope that this information is helpful. Please do not hesitate to contact me if you would like additional assistance regarding this or any other matter.

Sincerely,

Robert Raben
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

DAN BURTON, INDIANA
CHAIRMAN
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BERNARD SANDERS, VERMONT,
INDEPENDENT

February 18, 2000

Louis J. Freeh, Director
Federal Bureau of Investigation
J. Edgar Hoover Building
935 Pennsylvania Ave., NW
Washington, D.C. 20535-0001

Dear Director Freeh:

Yesterday, I was made aware of reports that at least some of the FLIR technology and equipment used at Waco on April 19, 1993, are not classified. From the earliest days of the Committee on Government Reform investigation of the Waco tragedy, and certainly as far back as August of 1999, Committee staff have been told that the equipment and the way the equipment was used are classified. Indeed, there was a reluctance to share any information about the use of FLIR technology with staff who had even the highest levels of security clearance. On this point, I attach a copy of the letter to myself from Assistant Attorney General Robert Raben.

I am concerned that Justice Department and F.B.I. personnel were less than forthcoming about the usage of FLIR technology on April 19, 1993. I would very much appreciate your providing an explanation of what aspects of the FLIR usage during the Waco tragedy are classified, and what are not. In addition, please provide the Committee with a chronology of when the FLIR technology and equipment used at Waco were first classified, and when they were declassified. If you have any questions about this request, please contact me or have your staff contact my Chief Counsel, James Wilson.

Sincerely,

Dan Burton
Chairman

Attachment

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BERNARD SANDERS, VERMONT,
INDEPENDENT

February 18, 2000

The Honorable Janet Reno
Attorney General of the United States
Department of Justice
Tenth and Constitution Avenue, NW
Washington, DC 20530

Dear General Reno:

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Sincerely

Dan Burton
Chairman

Attachment

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BERNARD SANDERS, VERMONT,
INDEPENDENT

February 23, 2000

The Honorable Janet Reno
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear General Reno:

As you are aware, the Committee is conducting an investigation into events surrounding the stand-off at the Branch Davidian compound in Waco, Texas. As part of this investigation, the Committee has recently interviewed former Assistant United States Attorney Bill Johnston.

It has come to my attention that members of your technical staff entered Mr. Johnston's former office last week in an attempt to access the hard drive on his computer. When queried, technical staff from the San Antonio U.S. Attorney's office reportedly responded that they were attempting to retrieve data from the hard drive "in response to Congressional subpoenas."

The Government Reform Committee subpoena regarding Waco was issued on September 7, 1999, nearly six months ago. I am unaware of any other Congressional subpoenas issued regarding Waco. It was my understanding that the Justice Department had already identified all documents responsive to our subpoena. Therefore, I request responses to several questions:

1. Was Mr. Johnston's government hard drive searched or reconstructed, and on what date?
2. Was this action taken in response to a Congressional subpoena, and if so, was it in response to the Government Reform Committee subpoena of September 7, 1999?
3. If this search was conducted in response to the Government Reform Committee subpoena, why was it not done several months ago?
4. If this action was not taken in response to a Congressional subpoena, why was it taken?
5. Is the Department searching or reconstructing the hard drives of other Department employees in this matter? If so, please provide a list.

Please provide an answer to the above questions by March 3, 2000.

Please contact Chief Counsel James Wilson at (202) 225-5074, should you have any questions or concerns. Thank you for your cooperation.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman
Ranking Member

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Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM
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BERNARD SANDERS, VERMONT,
INDEPENDENT

February 29, 2000

The Honorable Janet Reno
Attorney General
U.S. Department of Justice
Tenth and Constitution Avenue, N.W.
Washington, DC 20530

Dear General Reno:

On January 12, 2000, I wrote to you about the Justice Department's legal basis for its actions in the Elian Gonzalez case. Robert Raben, Assistant Attorney General, Office of Legislative Affairs, replied on February 7, 2000, and I wanted to thank you for the response.

I am not sure that I agree entirely with the legal analysis presented in Mr. Raben's letter. Nevertheless, a greater concern presented itself. I was struck by the sentences that read as follows:

> [T]he INS considered allegations that the father was under coercion such that he was not able to express his true wishes for the child or was not able to assess properly whether the child was at risk of persecution or torture upon his return to Cuba. On both counts, after interviewing the father on two occasions and the Miami relatives, as well as examining other available information, including the asylum application tendered on Elian's behalf, the INS found no reason to question the father's decision not to assert an asylum claim on behalf of Elian or his desire to be reunited with his son.

These sentences are unambiguous; they mean that there is no evidence of coercion and that there is no risk of persecution in this case. Putting semantics aside, I would appreciate a simple yes or no answer as to whether you believe Elian Gonzalez is at "risk of persecution" if returned to Cuba. Your Assistant Attorney General's letter makes clear what the INS has determined. I, however, am interested in the views of the Attorney General and request a response by Friday, March 3, 2000.

Thank you in advance for your attention to this matter.

Sincerely,

Dan Burton
Chairman

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BERNARD SANDERS, VERMONT,
INDEPENDENT

March 7, 2000

Monique Perez Roth, Esq.
Trial Attorney
U.S. Department of Justice
Campaign Financing Task Force
1400 New York Avenue, N.W., 5th Floor
Washington, D.C. 20530

Re: Materials Relating to Yah Lin "Charlie" Trie

Dear Ms. Roth:

As you requested, I have enclosed the binder of exhibits that were used by the Committee during the hearing relating to Charlie Trie. I have also included a copy of Mr. Trie's opening statement.

Feel free to contact me if I can assist in any other way.

Very truly yours,

David A. Kass
Deputy Counsel & Parliamentarian

Enclosures

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BERNARD SANDERS, VERMONT,
INDEPENDENT

March 8, 2000

The Honorable Janet Reno
Attorney General
U.S. Department of Justice
Tenth and Constitution Avenue, N.W.
Washington, DC 20530

Dear General Reno:

I am concerned that the Department of Justice has made no effort to obtain an entire category of documents that has potential bearing on the Campaign Finance investigation. Yesterday, the Committee learned that hundreds of thousands of e-mails sent to White House employees from outside the White House complex have never been reviewed to determine whether they are responsive to document requests and subpoenas. These e-mails were received during the critical 1996-1998 time frame. As of yesterday, the Justice Department had made no effort to contact individuals who manage White House e-mails, and there is no indication that you have ever pushed the White House for a review of this information, despite the fact that this matter has been reported in the press.

The appearance created by this failure is that you have no intention of pursuing a vigorous investigation of the White House.

In his memorandum recommending the appointment of an Independent Counsel, Charles LaBella wrote: "The contortions that the Department has gone through to avoid investigating these allegations are apparent." He also wrote: "If these allegations involved anyone other than [redacted name], an appropriate investigation would have commenced months ago without hesitation." Recently we learned that you deemed it irrelevant to question the President about James Riady's offer of one million dollars or about any other facet of the foreign fundraising scandal. We also discovered that your prosecutors failed to ask the Vice President about the Hsi Lai Temple event. Earlier, we learned that a search warrant for Charlie Trie's home was quashed just before it could be served. Now we find that you apparently aren't even hiding behind the pretense that the White House should produce information relevant to the campaign finance investigation.

I request that you inform this Committee of the steps you are going to take to address the White House's failure to provide the Justice Department with critical information.

Sincerely,

Dan Burton
Chairman

Subpena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To ....United States Department of Justice....Serve: Honorable Janet Reno.....

You are hereby commanded to produce the things identified on the attached schedule before the .....Full..... Committee on ...Government Reform..... of the House of Representatives of the United States, of which the Hon. ...Dan Burton..... ..... is chairman, by producing such things in Room ....2157..... of the ....Rayburn..... Building ....., in the city of Washington, on .....March 14th, 2000....., at the hour of ...5:00Pm.....

To .....Maria Pia Tanburri.....

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this .....10th.. day of ...March....., ~~19~~ 2000

.....
Chairman.

Attest:

.....
Clerk.

Subpena for United States Department of Justice

Serve: Honorable Janet Reno

Tenth Street & Constitution Avenue NW

Washington, DC 20530

before the Committee on the

Government Reform

Served TO: Robert Raly

BY: [illegible]

DATE: 3/10/00 TIME: 3:30pm

House of Representatives

SCHEDULE A

Subpoena Duces Tecum
Government Reform Committee
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

United States Department of Justice
Serve: Attorney General Janet Reno
Tenth Street & Constitution Avenue N.W.
Washington, D.C. 20530

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions, please contact Chief Counsel James C. Wilson at (202) 225-5074.

Definitions and Instructions

(1) For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

(2) For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

(3) This subpoena calls for the production of records, documents and compilations of data

and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

(4) The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

(5) No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

(6) If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

(7) When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by data, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

(8) This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

Subpoenaed Items

Please provide the Committee the following records:

1. A November 1997 memorandum drafted by FBI Director Louis Freeh to Attorney General Janet Reno relating to the appointment of an Independent Counsel in the campaign finance investigation.

2. A July 1998 memorandum drafted by Charles G. La Bella to Attorney General Janet Reno relating to the appointment of an Independent Counsel in the campaign finance investigation.

3. All memoranda drafted by other Department of Justice personnel in response to the memoranda listed above.

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BERNARD SANDERS, VERMONT,
INDEPENDENT

March 10, 2000

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Re: The Freeh and La Bella Memoranda

Dear General Reno:

The Justice Department has apparently disclosed to the *Los Angeles Times* the memorandum by Charles La Bella regarding the appointment of an Independent Counsel for the campaign fundraising investigation. As you know, I subpoenaed this memorandum, as well as the similar memorandum by FBI Director Louis Freeh, in July 1998. You refused to comply with my subpoena, and the Committee voted to hold you in contempt. However, you have still refused to provide the memorandum to the Committee, despite that contempt vote and several requests since that time. While you failed to comply with a lawful Congressional subpoena, either you or someone in the Justice Department has seen fit to provide the La Bella memorandum to the media. The leak of the La Bella memorandum speaks volumes about your mismanagement of the Justice Department, your mishandling of the campaign fundraising investigation, and your disregard for Congressional oversight of the Justice Department. I am sending with this letter a subpoena for the Freeh and La Bella memoranda, and I expect that the Department will now comply with the subpoena.

The Committee initially subpoenaed the Freeh memorandum in December 1997, and then it subpoenaed both the Freeh and La Bella memoranda in July 1998. You refused to comply with the subpoenas, claiming that disclosure of the memoranda to the Committee would harm the Justice Department's campaign fundraising investigation, as well as the internal deliberation process at the Justice Department. In a letter dated July 28, 1998, you stated:

> The disclosure of these memoranda could provide a "road map" of the Department's investigation. The documents, or information that they contain, could come into the possession of the targets of the investigation through inadvertence or deliberate act on the part of someone having

> access to them. The investigation could be seriously prejudiced by the revelation of the direction of the investigation, information about the evidence that the prosecutors have obtained, and assessments of the strengths and weaknesses of various aspects of the investigation. Indeed, disclosure of information such as is contained in this report could significantly impede the Task Force's criminal investigation, and could conceivably preclude prosecution of some individuals.

In another letter dated August 4, 1998, you stated that:

> [S]uch documents lay out the thinking, theories and strategies of our prosecutors and investigators, and the strengths and weaknesses of our cases. They talk about leads that need further investigation, and places where we've reached dead ends. Criminals, targets and defense lawyers alike can all agree on one thing – they would love to have a prosecutor's plans.

Leaving aside the fact that your senior staff have leaked a list of the status of every campaign fundraising case and other information that has had a negative impact on your cases, providing the La Bella memo to the press is an extraordinary turn of events.

In the same August 4 letter quoted above, you also claimed that disclosure of the memos would create a "chilling effect" on Department employees' ability to render advice to you:

> If future Attorneys General know that the innermost thinking behind their toughest law enforcement decisions will become fodder for partisan debate, then we risk creating a Justice Department and an FBI that tacks to political winds instead of following the facts and the law wherever they lead. If future law enforcement professionals cannot provide advice that is candid and confidential, we will have a government of "yes" men who advocate what is popular instead of what is right.

You used these arguments against the Committee forcefully and repeatedly during the contempt debate. I was told countless times that compliance with my subpoenas would harm your investigation. I was told that all of the Members of the Committee could not even review the memos in private, because they might leak the contents of the memos. But, the Justice Department's current release of the La Bella memo leads me to reach one of four possible conclusions:

- The arguments that you made in July 1998 were false and misleading.
- The arguments that you made in July 1998 were true, but you no longer are concerned about protecting the Department's investigation, or the frank and candid advice of your subordinates.

- All of the investigations discussed in the La Bella memo are closed, and the memo can be released publicly, but rather than comply with the Committee's lawful subpoena, you decided to release the memo to the press.

- You still believe that disclosure of the memo would cause significant harm to the campaign fundraising investigation, but you do not have enough control over your senior political advisers to prevent them from leaking the memo to the press.

The release of the La Bella memo shows that something is seriously wrong at the Justice Department; whether it is incompetence, politicization, or a serious disregard for the rule of law has yet to be determined. Since the Department has released the La Bella memo to the press, I expect that you will now comply with this Committee's subpoena for the Freeh and La Bella memos, and provide them to the Committee by Tuesday, March 14. I also expect that the memos will be redacted only to remove information covered by Rule 6(e).

It is clear, based on the brief portions of the La Bella memo that I have reviewed or that have been reported by the *Los Angeles Times*, why you did not want to release the memo to the Committee. First, the La Bella memo condemned you for misleading the American people by providing an erroneous explanation of when an Independent Counsel could be appointed. It also claimed that you had erected a higher legal threshold for investigating White House officials and others covered by the Independent Counsel Act than other individuals. Mr. La Bella concluded that the "contortions that the Department has gone through to avoid investigating these allegations are apparent." As an example of these contortions, Mr. La Bella referred to one senior official, whose name was redacted from the report: "[i]f these allegations involved anyone other than [redacted], an appropriate investigation would have commenced months ago without hesitation."

As described by Mr. La Bella in his memo, the Task Force's investigation was created to fail. Since he wrote his memo, this Committee has discovered countless examples of how that investigation has failed. While many of these cases will be detailed in a report that this Committee will issue later this year, I can briefly recount some of them here:

- Your investigators failed to ask President Clinton a single question about James Riady, Charlie Trie, John Huang, or any other aspect of his involvement in raising foreign money for the 1996 election. As a close friend of Riady, Trie, and Huang, if Bill Clinton were an ordinary citizen, rather than President of the United States, he would have been questioned extensively by the FBI, and likely called before the grand jury. Instead, your Task Force gave him a free pass.

- Your investigators failed to ask Vice President Gore a single question about his relationship with Maria Hsia, or his role in the infamous Buddhist Temple fundraiser. Likewise, if Al Gore were not Vice President, and were some other

private citizen with a ten-year fundraising relationship with Maria Hsia, your investigators would have questioned him extensively.

- You have failed to pursue documents held by the White House and other agencies. For example, it has been widely reported in the press that the White House has failed to produce to Congress or several Independent Counsels thousands of e-mails covered by subpoenas. While there are almost certainly Justice Department subpoenas outstanding for those e-mails, as of March 8, the Justice Department had not contacted any of the Northrop Grumman employees responsible for the White House e-mail system. In contrast, when you were confronted with embarrassing new information in the Waco tragedy, you immediately dispatched United States Marshals to seize evidence from the FBI. When you learned of significant new evidence being held by the White House in the campaign fundraising matter, you did nothing. While this disparate treatment could simply be attributed to incompetence, the La Bella memo suggests that there might be more serious reasons for the Department's failure. You seem to be proceeding on the premise of what you don't know won't hurt your political colleagues and your political party.

- The La Bella memo apparently points out that the First Lady has potential criminal involvement in the campaign fundraising scandal, based on her failure to warn the DNC about the illegal campaign fundraising activities of Charlie Trie. In April 1996, Mrs. Clinton was warned that Trie was raising huge amounts of money for the Presidential Legal Expense Trust. By May 1996, her closest advisers were told that the money raised by Trie was foreign money, and had been given through straw donors. However, Mrs. Clinton did nothing to warn the DNC about Trie's illegal fundraising. In the time period between April and November 1996, while Mrs. Clinton sat on this information, Trie raised hundreds of thousands of dollars worth of illegal contributions for the DNC. Your task force has apparently failed to follow up on these serious allegations.

The La Bella memo's conclusions about your handling of the campaign fundraising investigation are alarming. Moreover, Mr. La Bella's predictions about the failure of the investigation have come true. Many low-level figures, like John Huang and Charlie Trie, have pled guilty, and gotten light sentences without giving up any serious evidence. In the process, they have maintained implausible stories that exculpate them and their superiors. For example, John Huang sat before this Committee and testified that the Buddhist Temple event with the Vice President was not a fundraiser, even though it raised funds, and even though individuals who contributed to attend were seated at the front. I fail to understand how you can hear testimony like that, and then tell a sentencing judge that Mr. Huang is cooperating with your investigation. Similarly, Charlie Trie appeared before this Committee and claimed that the money given to him by Ng Lap Seng to contribute to the DNC was actually Trie's own money, even though he did not pay taxes on it, or list it on his financial disclosure forms. Yet again, Mr. Trie received credit for cooperating with the Justice Department. Failure to obtain true cooperation

from these witnesses has meant that the Department has not been able to pursue White House and DNC officials who may have had a role in the fundraising scandal. The La Bella memo raises a serious question as to whether this failure is intentional.

By ignoring the advice given to you by Director Freeh and Mr. La Bella, you crippled the campaign fundraising investigation. By withholding the memos from this Committee, you tried to keep the Committee from learning how you had mishandled the investigation. At this point, it is unlikely the harm can be undone, and that a real campaign fundraising investigation will ever be conducted by the Department. However, the Congress has a right to know what has happened, and therefore, I expect that you will immediately comply with the Committee's subpoena.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

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CHAIRMAN

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House of Representatives

COMMITTEE ON GOVERNMENT REFORM

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BERNARD SANDERS, VERMONT,
INDEPENDENT

March 14, 2000

Ms. Ann Todd
Supervisory Special Agent
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535

Re: Committee Investigation into the 1993 Branch Davidian Tragedy

Dear Special Agent Todd:

As part of the Committee's investigation into matters relating to Waco, we request that you allow certain members of our staff to visit the Hostage Rescue Team (HRT) facilities located at Quantico. The purpose of the visit is to provide a briefing on: (1) all weapons available to the HRT during the 1993 siege; (2) procedures and equipment, including, but not limited to, individual and team equipment packages deployed via HRT-operated "mount out" vehicles; and (3) weapons familiarity to the staff.

Please confirm that this will take place as soon as possible. If you have any questions concerning these interviews, please feel free to contact me at (202) 225-5074.

Sincerely,

André Hollis
Committee Counsel

cc: Michael Yeager, Esquire,
Democratic Counsel

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ONE HUNDRED SIXTH CONGRESS

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BERNARD SANDERS, VERMONT,
INDEPENDENT

March 15, 2000

The Honorable Robert Raben
Assistant Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Mr. Raben:

As you are aware, the Committee is conducting an investigation into events surrounding the 1993 stand-off at the Branch Davidian compound near Waco, Texas. As part of this investigation, Committee staff interviewed Mr. Edward S.G. Dennis, Jr., the author of a Department of Justice-sponsored October 1993 Report on the Branch Davidian tragedy, on January 14, 2000.

Mr. Dennis stated during the interview that he and his law firm possessed documents relating the tragedy and other documents created as a result of the draft of that Report. Mr. Dennis stated, however, that these documents had not been produced in response to the Committee's October 1999 subpoena or, moreover, in response to the trial court's Order requesting the production of all documents within the United States' control that relate to the tragedy.

The Department informed Committee staff last week that Mr. Dennis has finally produced these responsive documents to the Department. Please, therefore, identify by no later than March 25, 2000 the date on which the Department produced these records to the Court and by what date the Department will produce these records to the Committee.

The Honorable Robert Raben
March 15, 2000

If you or your staff have any questions regarding this matter, please have your staff contact Committee Counsel André Hollis at (202) 225-5074. Thank you in advance for your continued cooperation.

Sincerely,

James C. Wilson
Chief Counsel

cc: The Honorable Walter S. Smith
Judge
United States District Court for the Western District of Texas

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 16, 2000

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

Dear Mr. Chairman:

I am writing in response to your recent inquiry concerning the position of the Department of Justice on the Elián González matter.

In deciding whether to honor Juan González's decision not to apply for asylum in his son's behalf, INS Commissioner Meissner specifically found that there was no objective basis for concluding that Elián would be at risk of persecution or torture if returned to his father in Cuba. The Commissioner's determination was based on interviews with Elián's father and his Miami relatives, as well as other available information, including the asylum application tendered on his behalf. The Attorney General expressly ratified Commissioner Meissner's decision in her letter of January 12, 2000. I have enclosed a copy of the Commissioner's legal memorandum and the Attorney General's letter in case you have not had an opportunity to review these materials.

Thank you for your continued interest in this matter. Please do not hesitate to contact me if you have further questions.

Sincerely,

Robert Raben
Assistant Attorney General

Enclosures

cc: The Honorable Henry A. Waxman
Ranking Minority Member

Office of the Attorney General
Washington, D. C. 20530

January 12, 2000

Linda Osberg-Braun, Esq.
Roger A. Bernstein, Esq.
Hackley, Bernstein & Osberg-Braun, P.L.
Turnberry Plaza
2875 NE 191st Street
Penthouse 1B
Aventura, Florida 33180

Spencer Eig, Esq.
420 Lincoln Road
Suite 379
Miami Beach, Florida 33139

Dear Messrs. Eig and Bernstein and Ms. Osberg-Braun:

I have reviewed your letter of January 5 concerning the case of Elian Gonzalez, as well as the issues that Mr. Bernstein raised when he and others met with me on the evening of January 7, including the fact that you have filed a custody action on behalf of Lazaro Gonzalez in the Miami-Dade County Circuit Court. I understand that court has granted a temporary protective order to Lazaro Gonzalez. While I am always open to considering new information that might arise, I am not currently aware of any basis for reversing Commissioner Meissner's decision that Juan Gonzalez--Elian's father--has the sole authority to speak for his son on immigration matters.

As you know, the United States is not a party to the action you have filed in Florida court, nor is it named in the temporary protective order that the Florida Circuit Judge issued January 10. Indeed, the question of who may speak for a six-year-old child in applying for admission or asylum is a matter of federal immigration law. Nothing in the temporary protective order changes the government's determination that Juan Gonzalez can withdraw applications for admission and asylum relating to Elian and that he has done so. In the Department's judgment, the Florida court's order has no force or effect insofar as INS's administration of the immigration laws is concerned.

In our meeting last Friday evening, Mr. Bernstein said that the INS itself had originally announced that state courts could resolve Elian's status in the United States. I think it is important to clarify, therefore, this Department's views about

the possible role of state courts in a case such as this. In the first few days after Elian's arrival in the United States, when it was suggested that INS's placement of Elian in the care of his great uncle amounted to a grant of custody, INS indicated that it could not grant custody and that such a request would have to be put before the state courts. As the case evolved, it became clear that Elian's father, who was still in Cuba, was asserting a parental relationship with Elian and had adequately expressed his wish, under the immigration laws, for Elian's petition for admission to this country to be withdrawn. In these circumstances, INS was obliged to determine whether the father was the appropriate person to speak for Elian on immigration issues. That question, as I have said, remains one of federal, not state, law. The Commissioner's resolution of that question--as well as of other immigration matters--may be challenged, if at all, only in federal court. We are prepared to litigate in that forum. Accordingly, Commissioner Meissner has determined that the January 14 date should be extended to accommodate any federal court proceedings. This little boy has been through so much, and it is therefore imperative that all of us do what we can to resolve his case as soon as possible.

With respect to the issues raised in your January 5 letter, I would make the following observations. Elian Gonzalez is a six-year old child who has lost his mother. As a general matter, when dealing with a child this young, the immigration law, like other areas of law, looks to the wishes of the surviving parent. One circuit court case indicated that a twelve-year-old child may apply for asylum over the wishes of his parents in some circumstances. *See Polovchak v. Meese*, 774 F.2d 731, 736 (7th Cir. 1985). That case also makes it clear, however, that a twelve-year-old child is "near the lower end of an age range in which a minor may be mature enough to assert certain individual rights that equal or override those of his parents." Commissioner Meissner has determined that, under applicable law, Elian is too young to make legal decisions for himself, and that his father has the legal authority to speak for him in immigration matters.

Commissioner Meissner reached her decision through a careful and thorough process. All of the available information was considered, including the reports from two lengthy and private interviews with Elian's father, Juan Gonzalez, and the report from the December 20 meeting with Elian's great uncle and cousin and each of you. Commissioner Meissner also carefully considered the allegation that Juan Gonzalez was under some form of coercion, and is confident, based on her representative's direct contact with Juan Gonzalez, the father's very close relationship

with Elian, and the other evidence provided, that the father has expressed his true wishes in asking that his son be returned to him.

The INS does not rule out the possibility of a case in which an asylum application would be accepted from a young child against the wishes of a parent. In that regard, the INS Guidelines for Children's Asylum Claims provide a useful framework. In particular, they provide for a review of the objective circumstances relating to possible torture or persecution in the child's home country in cases where a child is too young to express a competent view on these matters. The INS reviewed the asylum application you sought to file on Elian's behalf, considered all other relevant available information, and found no objective basis for overriding the father's wishes for his son. In particular, the INS found no credible information indicating that the child would be at risk of torture or persecution if returned to his father, and thus concluded that it had no reason to question the father's decision not to assert an asylum claim.

The specific language you cite from the INS Inspector's Field Manual is not applicable here. It is designed to protect an unaccompanied minor who arrives here illegally, has no parent to speak for him, and is also capable of speaking for himself. In those circumstances, if the child indicates a wish to return voluntarily to his country of origin, he would normally be allowed to withdraw the application for admission and be sent home, rather than being placed into removal proceedings. If the child expresses a fear of persecution, however, the Field Manual provides that the child should be placed not in expedited removal proceedings, but rather in conventional removal proceedings before an immigration judge.

Nothing in the field guidance suggests that a father's wishes regarding his six-year-old child should be overridden. On the contrary, in a related provision you do not cite, the Field Manual makes it clear that the first responsibility of the INS when confronted with an unaccompanied minor is to attempt to remedy the situation by finding the child's parent or legal guardian, even if that person is outside the United States. It is only when that effort is unsuccessful that the Field Manual provisions you cite even come into play.

Even if it were applicable in this situation, the provision you cite would not answer the basic question presented by this case: Who speaks for the child? If Elian is not competent to "indicate[] a fear of persecution or intention to apply for

asylum," then someone would have to decide in his behalf whether to do so. That someone, under universally accepted legal norms, is his father. And his father has stated, in no uncertain terms, that he does not wish for Elian to make an asylum claim. As noted above, the INS considered relevant information, including the statements of Elian's Miami relatives and information in the asylum application, and determined that there is no objective basis for a valid asylum claim. Consequently, it found no conflict between Elian and his father. Under these circumstances, the appropriate course of action was to honor the desires of the father regarding Elian's applications for admission and asylum. It is not appropriate to commence removal proceedings against this six-year-old boy. The Field Manual does not suggest otherwise.

Once again, it is my strong hope that we can work together to resolve this child's status as soon as possible.

Sincerely,

Janet Reno

Immigration and Naturalization Service

Office of the General Counsel

425 I Street NW
Washington, DC 20536

JAN 3 2000

MEMORANDUM FOR DORIS MEISSNER
COMMISSIONER

FROM: Bo Cooper
General Counsel

SUBJECT: Elian Gonzalez

QUESTIONS PRESENTED

1. Who has the legal authority to speak on behalf of the six-year old Cuban national, Elian Gonzalez – his father, his great uncle, or the attorneys claiming to represent Elian?

2. Given Elian's father's apparent legal authority to speak for the child on immigration matters, under what circumstances should the child's interests be considered apart from the expressed wishes of the parent regarding disposition of the child's application for admission and his asylum application?

   A. Is the father able to represent adequately the immigration interests of the child?

   B. May Elian apply for asylum in direct opposition to the expressed wishes of his father?

SUMMARY ANSWERS

1. The documents and other submitted material indicate that Juan Miguel Gonzalez-Quintana has the legal authority to speak for his son Elian.

2. The INS must determine whether the father has an interest that conflicts with his ability to represent the immigration interests of the child. Specifically, the INS must consider whether the possibility of coercion precludes Elian's father from making his true

intentions known and speaking on behalf of Elian and whether Elian's asylum application represents a divergence of interests between the father and child.

A. After evaluating the testimony of the father and the uncle, we believe the father is able to convey to the INS his true intentions regarding Elian and to represent adequately the immigration interests of the child.

B. At his tender age, Elian does not have the capacity to seek asylum on his own behalf. Since there is no objective basis to believe that Elian is at risk of persecution or torture, the INS should not accept his asylum application against the expressed wishes of his father.

DISCUSSION

1. Who has the legal authority to speak on behalf of the child – his father, his great uncle, or the attorneys claiming to represent him?

Juan Miguel Gonzalez-Quintana has submitted numerous documents establishing that he is the father of Elian Gonzalez. Elian's great uncle, Lazaro Gonzalez, does not dispute this claim. Because the child was born out-of-wedlock, some have questioned whether this fact affects the father's legal rights. Under Cuban law, however, parental rights are unaffected by questions of legitimacy. Constitution of Cuba, Article 37.

In immigration matters, relationships are generally assessed under the law of the jurisdiction where the relationship arose. See e.g., Matter of Hosseinian, Int. Dec. 3030 (BIA 1987). Cuban law also reinforces the right of both parents to exercise parental authority. Articles 82 and 83 of the Family Code of Cuba provide that minor children shall be under the authority of their parents and that parental authority is shared jointly by both parents. Should one parent die, as in this case, the surviving parent becomes the sole individual authorized to speak for the child. The specific rights and duties of a parent, enumerated in Article 85 of the Family Code, include the obligation to represent the child in all legal transactions and acts in which they have an interest (Article 85, clause 5). While a person may lose the right to exercise such authority, the absence of any evidence showing that a court has deprived or suspended such authority would indicate that the parent's rights continue in force. (See attached Opinion from Library of Congress.)

Without the consent of the surviving parent, the great-uncle, Lazaro Gonzalez, has no legal basis to act on behalf of Elian in immigration matters. Although attorneys in this case have characterized him as Elian's legal guardian, he has submitted no evidence and made no claim that he is actually a court-appointed guardian. While INS has placed the child into Lazaro Gonzalez's care, the fact that Elian has been released to him does not authorize him to speak for the child in immigration matters. Instead, he has agreed to care for the child and ensure that he appears at all immigration proceedings. 8 CFR 236.3(b)(4). Given these factors, Lazaro Gonzalez has no legal basis at this time to represent Elian in immigration matters.

Three attorneys have submitted Form G-28, Notice of Entry and Appearance as Attorney or Representative, with Elian's signature. They assert that they represent Elian, and not Lazaro, though they have conceded that this representation is through the consent of Lazaro Gonzalez, as well as by the apparent direct consent of Elian. The attorneys have also indicated that Elian wishes to pursue his application for admission in the United States. Although the attorneys claim to have the authority to speak on Elian's behalf, the law does not appear to support this claim. While there is no absolute prohibition against a minor signing a Form G-28, the ability to do so must be evaluated against general questions of capacity. In the state of Florida, for instance, a minor under the age of 18 is not considered competent to enter into contracts. See Section 743.07, Florida Statutes (1973). Under INS regulations, the parent or legal guardian may sign the application or petition of someone under the age of fourteen. 8 CFR 103.2(a)(2). Thus, while it appears that Elian may sign the Form G-28, the INS generally assumes that someone under the age of 14 will not make representation or other immigration decisions without the assistance of a parent or legal guardian. Here, the father has expressly stated that he does not authorize the attorneys to represent Elian, and that he does not want Elian to seek asylum. Unless the INS has direct evidence of Elian's capacity, Elian's signature on the Forms G-28 does not bear much weight.

Further, the attorneys appear to have a potential conflict of interest. In their letter of December 15, 1999, they stated that they represent Elian, "by direct consent, as well as through the consent of Lazaro Gonzalez, Elian's custodian, who is currently his legal guardian in the United States." As stated above, Lazaro Gonzalez has no legal basis to represent the immigration interests of Elian. Thus, his personal interests in this matter are separate and apart from Elian's immigration interests. Since Lazaro Gonzalez appears to have retained the services of the attorneys on Elian's behalf, any fiduciary duty they owe to Lazaro presents a potential conflict of interest.

The INS has no basis to reject the father's parental authority. Therefore, we presume that he has the legal authority to speak on behalf of the child in immigration matters.

2. Given the father's apparent legal authority to speak for the child on immigration matters, under what circumstances should the child's interests be considered apart from the expressed wishes of the parent regarding disposition of the child's application for admission and his claim for asylum?

On December 14, 1999, attorneys retained on behalf of Elian Gonzalez by Lazaro Gonzalez submitted an asylum application, under Elian's signature, claiming that Elian would be persecuted on the basis of his social group if he were returned to Cuba. The attorneys assert that the child is raising the asylum claim independently, rather than through a guardian or representative. The father has expressly stated that he does not want Elian to seek asylum. The attorneys have also indicated that Elian wishes to pursue his application for admission in the United States while Elian's father has stated he wants Elian returned to Cuba.

The attorneys have asserted that Elian's father cannot speak for him in immigration matters because he is under the control and jurisdiction of the country from which Elian fears

persecution. Because the father outwardly supports the regime, the attorneys claim that he cannot represent the child's best interests. They also claim that the Cuban government has prevented the father from expressing his actual wishes for his son.

While we do not regard the attorneys as authorized to represent the immigration interests of Elian, their assertions call into question the father's ability to represent adequately the immigration interests of the child. The underlying question goes to whether the father's personal interests conflict with his representation of the immigration interests of the child to a degree sufficient to justify interference with his parental authority. In this case, the possibility of a conflict has been raised based on allegations that the father is not free to express his wishes and the assertion that that the child is free to raise an asylum claim regardless of the father's wishes.

A. Father's ability to represent the immigration interests of the child

Immigration law presents little guidance on the resolution of a parent's ability to adequately represent the interest of the child. In Johns v. DOJ, 624 F.2d 522 (5th Cir. 1980), the Fifth Circuit held that the government violated the due process rights of a five-year old Mexican national when it issued a deportation order against her, because the attorney retained to represent her spoke for her alleged parents, rather than the child. In that case, the court found a clear divergence between the interests of the child and those of the "parents," who had no legal authority over the child. The court further found that the Mexican birth mother, who claimed her child had been kidnapped, did not necessarily represent the interests of the child given that she had not seen the child since the day she was born. In making its finding, the court noted that the child had been raised in a different culture, spoke a different language, and would, if deported, be returned to her natural mother's home to reside with two older siblings who had never seen her and with whom she could not communicate. Id., at p. 524. The Fifth Circuit remanded the case to the district court with instructions to appoint a *guardian ad litem* to represent the child in all further proceedings. Id.

In this case, the alleged inability of the father to adequately represent the interests of the child rests not on any estrangement between father and child or the father's inability to adequately assess the best interests of his child. To the contrary, evidence in the record, including the interview of the father and the numerous affidavits he provided, establish that the father and child share a close relationship, and that the father has exercised parental responsibility and control for example, in the education and health care of the child. Instead, the alleged inability of the father to adequately represent the interests of the child is based on the possibility that the father has been coerced. If coerced, the father's representation of the immigration interests of the child may conflict with the father's interest in his own personal safety, rendering him unable to adequately represent the child in immigration matters. Following Johns, this inability would require the appointment of a *guardian ad litem* to represent Elian's immigration interests. Accordingly, it is necessary to evaluate the possibility of coercion and to determine whether the father's ability to adequately represent the interests of the child in immigration matters is impeded to such a degree as to justify an interference with the father's assertion of parental authority.

On December 13, 1999, the Officer in Charge for the INS Havana sub office (accompanied by the First Secretary and Chief of the Political/Economic Section of the US Interests Section) interviewed Juan Miguel Gonzalez-Quintana at his home. Mr. Gonzalez-Quintana described in great detail his close relationship with his son. He submitted affidavits from several neighbors, family friends, physicians, and Elian's teacher attesting to the affection between the father and son as well as the responsibility the father has taken in his son's life. He expressed his wishes that Elian be returned to him, that Elian not be allowed to apply for asylum, and that Elian not be represented by the attorneys purporting to represent him in the United States. Mr. Gonzalez- Quintana was also asked to express his wishes without speaking (in writing) in order to protect against the possibility of auditory monitoring of the interview by Cuban officials. Mr. Gonzalez- Quintana again expressed, in writing, his wish for the child to return to Cuba. The Officer in Charge found that "the honesty, concern and truthfulness on the part of Mr. Gonzalez-Quintana was palpable . . . " Thus, Mr. Gonzalez-Quintana's demeanor, as assessed in person by the Officer in Charge, supports the conclusion that the father's expressed wishes are not motivated by outside influences. The numerous affidavits attesting to the close relationship between the father and son lend further credence to the father's request that his son be returned to him.

On December 20, Elian's great uncle, Lazaro Gonzalez, was interviewed at the INS District Office in Miami. Lazaro Gonzalez expressed his opinion that the father's statements were coerced. He based this conclusion on four factors. First, Lazaro Gonzalez stated that Mr. Gonzalez-Quintana, in two phone calls, asked that Lazaro Gonzalez and his family take care of Elian. The first of these conversations occurred prior to Elian's arrival in the United States[1], and the second occurred on the day Elian was found at sea and brought to a hospital in Ft. Lauderdale. In subsequent conversations, Elian's father demanded the boy's return. The father never mentioned to INS a conversation prior to Elian's arrival in the United States and never acknowledged that he had ever asked his uncle to care for the child. Next, Lazaro Gonzalez, as well as his daughter, noted the tone of the subsequent telephone conversations with the father, and opined that he did not appear to be speaking freely. Third, Lazaro Gonzalez stated that, according to family members living in Cuba with whom he has spoken, Cuban officials are present at the father's home and have prevented him from leaving. Fourth, one of the attorneys stated that he was told by a reporter in Cuba that, according to sources in Mr. Gonzalez Quintana's neighborhood, the father had applied with the U.S. Interest Section for the lottery program to come to the United States. Because of the manner in which the DOS and the INS record applications for various immigration programs, it would be impossible to use government records to rule out completely that possibility.

In order to ensure that we have examined fully the question of coercion, the INS sought a second interview with Juan Miguel Gonzalez-Quintana. At the request of both the US and Cuban governments, a neutral site was selected, the home of the representative of the United Nations International Children's Emergency Fund (UNICEF). The INS officer in charge who had conducted the first interview also conducted this interview which was held on December 31, 1999. As was the case at the December 13, 1999 interview, Mr. Gonzalez was accompanied by his parents who were present for the interview, was asked a number of questions by the OIC, and

[1] It should be noted here that we have found no evidence that the father consented to Elian's travel to the United States prior to his departure.

was also given a set of written questions. The OIC concluded that Mr. Gonzalez "spoke truthfully." The OIC was convinced that Mr. Gonzalez "appeared honest and concerned for the well being of the child and in wanting the child with them [the Gonzalez family] in Cuba immediately."

The statements of Lazaro Gonzalez, as well as a general understanding of the practices of the Castro regime, make it essential that the INS closely examine the voluntariness of the father's statements. The evidence of coercion, however, is far from compelling when weighed against the personal interviews of the father and the interpretation of those interviews by the INS officer. Equally important, the existence of political pressure does not necessarily mean that the father's expression of his wishes is not genuine. If the father's statements truly reflect his belief as to the best interests of his child, then there is no divergence of interests. His statements would reflect his assessment of his child's best interests and should generally be given effect, notwithstanding any political pressure he may feel. Accordingly, it is important to evaluate all available evidence with an eye toward determining not merely whether the father is subject to political pressure or even coercion, but whether he is acting against his true belief as to the best interests of his child.

First, the opinions of Lazaro Gonzalez and his daughter, based on the tone of telephone conversations, conflict with the INS officer's interpretation of her interview with the father. Because the INS officer interviewed the father in person and was convinced that the father is speaking truthfully and freely, we believe that her interpretation carries more weight than the opinions of Lazaro Gonzalez and his daughter.

Second, the telephone conversations, recounted by Lazaro Gonzalez, wherein the father asked him to take care of the child do not establish a belief on the part of the father that the child should remain in the United States permanently. If true, the first of these conversations occurred prior to Elian's arrival in the United States and prior to any knowledge on the part of the father that Elian's mother had perished at sea. Her tragic death fundamentally changed the circumstances such that any prior statements of the father create no inference as to his true beliefs after the event. The second conversation with the father occurred while Elian was being examined and treated at a hospital in Ft. Lauderdale. The father's alleged request that Lazaro Gonzalez take care of the child is subject to varying interpretations. At the second interview, the OIC asked the father to discuss his earlier conversations with Lazaro Gonzalez. He disputed Lazaro's version. Elian's father stated "At all times I asked that Elian be returned to me." Elian's grandfather interjected and the OIC summarized his view "At no time during his conversation with his brother did he ask him to take care of Elian. As a family they did not have to say such a thing. It's humane and as family, it is an obligation." Assuming Elian's father made the statement, we believe the most reasonable interpretation is that it was a normal reaction of a father to the circumstances of his five year-old son's lone arrival and medical treatment in a foreign country following the tragic death of his mother, rather than a request that the child remain with Lazaro Gonzalez indefinitely.

Third, the statements of the attorney concerning the father's alleged applications under the United States lottery program carry little weight. We asked Elian's father in the written questions whether he had applied either in person or by mail to the US Interests Section for permission to go to the United States. He indicated in writing that he had not. The statements

that he had applied for an immigrant visa are based on hearsay and cannot be confirmed or denied by the U.S. Interests Section or the INS. Even if we assume the father had applied under the lottery program, there is no information concerning the circumstances of those applications, including his intentions concerning Elian.[2] Moreover, the circumstances faced by the father and his child have drastically changed from the time of any such application.

Fourth, Elian's great uncle and the attorneys argued that father's freedom of movement has been restricted by his government. We questioned Mr. Gonzalez-Quintana at the second written submission about this allegation and he indicated that his movements are not restricted by the Cuban government. We recognize that Cubans do not enjoy the freedom of movement we have in our own country and that Mr. Gonzalez-Quintana is certainly under a lot of scrutiny by the press and by the Cuban government. We have not, however, found evidence that he is unable to move as freely as other Cuban citizens or that his movements are restricted in order to punish or intimidate him or to influence his parental decisions. We have assumed for purposes of the recommendation that there are limitations on the father's freedom and that he is being monitored both by the Cuban government and by the Cuban press, but we do not believe that leads to an inference that the father's request for his child's return is not genuine.

Finally, the father's loving and active relationship with his child, as established by his interview and numerous affidavits, coupled with the circumstances under which he now finds his six year-old son, separated from his only surviving parent in a foreign country immediately following the tragic death of his mother, strongly suggests that the father's request for his child's return is genuine. After considering the totality of the information currently before the INS, we believe that the most reasonable inference is that the father is able to represent adequately the child's interests in immigration matters.

After weighing the information we have gathered, we believe the father is able to represent adequately the child's immigration interests. Accordingly, we believe the INS should give effect to the father's request for the return of his child by treating it as a request for a withdrawal of Elian's application for admission. Since we believe Elian's father is able to speak on behalf of his son, we should add that were Elian's father to come to the United States to assert his parental authority, we believe that the INS would be required to recognize Elian's father's interests with respect to all immigration matters involving Elian. Elian's father's arrival would necessarily change the custody arrangement we sought with his uncle in his absence. Under the INS regulations, a child is released in order of preference to 1) a parent; 2) legal guardian; or 3) an adult relative. 8 CFR 236.3 In the December 13th interview, our officer in charge indicated to Mr. Gonzalez-Quintana that visas to visit the United States are generally granted for persons in his situation. Mr. Gonzalez-Quintana indicated he was uninterested in applying for such a visa.

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[2] No one has claimed and we have no indication in INS records that Elian's father ever applied under the refugee program. Therefore we must assume that the father did not base any such immigration application on a fear of persecution for himself or his family.

B. Elian's asylum application

While an application for asylum and a request for withdrawal of an application for admission are inherently contradictory requests, the acceptance of a parent's request for the withdrawal of his child's application for admission does not necessarily preclude a child from applying for asylum independent of his parent. INS must determine whether it will accept an asylum application prepared by one of the attorneys claiming to represent Elian and filed under Elian's signature. The INS has instructed its Texas Service Center to hold the application until this determination is made.

A child's right to seek asylum independent of his parents is well established. Section 208(a)(1) of the INA permits any individual physically present in the United States or who arrives in the United States—including any alien who has been brought to the United States after having been interdicted in international or United States waters—to apply for asylum. While Section 208(a)(2) of the INA describes certain exceptions to this right, those exceptions are not applicable to this case. There are no age-based restrictions on applying for asylum. Because the statute does not place any age restrictions on the ability to seek asylum, it must be taken as a given that under some circumstances even a very young child may be considered for a grant of asylum. The INS need not, however, process such applications if they reflect that the purported applicants are so young that they necessarily lack the capacity to understand what they are applying for or, failing that, that the applications do not present an objective basis for ignoring the parents' wishes. Further, the United Nations Convention on the Rights of the Child requires state parties to:

> take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights.

United Nations Convention on the Rights of the Child, Article 22, 28 I.L.M. 1448, 1464 (1989).[3]

Neither section 208 of the INA, nor the Convention on the Rights of the Child, however, addresses whether a child may assert a claim for asylum contrary to the express wishes of a parent. We believe, in keeping with the United States' obligation of *nonrefoulement* under the 1967 Protocol Relating to the Status of Refugees, certain circumstances require the United States to accept and adjudicate a child's asylum application, and provide necessary protection, despite the express opposition of the child's parents.

The Seventh Circuit helped define those circumstances in Polovchak v. Meese, 774 F.2d 731 (7th Cir. 1985). The Court held that the significant rights of parents to direct the life of their child did not preclude the child from raising an asylum claim, despite the parents' opposition. The parents' significant interests entitled them, however, to participate in all immigration matters regarding their child. In that case, the INS accepted an asylum application by a twelve-year old

[3] The United States is a signatory to the United Nations Convention on the Rights of the Child, not a party.

boy and granted asylum without notice to the parents. The Seventh Circuit held that the government had erred because it failed to ensure that both parties received an adequate opportunity to assert their interests. The Court found it persuasive that the boy, who was twelve, was sufficiently mature to articulate a desire for asylum apart from his parents' wishes.

In assessing the parents' rights, the Court applied the balancing test established by Matthews v. Eldridge, 424 U.S. 319 (1976), which provides a mechanism for assessing the level of procedural due process necessary in a given proceeding. Under that test, the government must assess the private interest affected by the proceeding, the risk of error inherent in the chosen proceeding, and the interest of the government in using a particular proceeding. Based on that analysis, the Polovchak court found that the involvement of the parents must be weighed against any competing procedural interests, ultimately concluding that the parents' risk -- the loss of their ability to direct their child's interests -- significantly outweighed the burdens imposed on the government by providing the parents with notice and opportunity to participate in the procedure.

The Supreme Court has applied the same balancing test in assessing the standard of proof necessary to permit the termination of parental rights. Recognizing "that freedom of personal choice in matters of family life is a fundamental liberty interest protected by the Fourteenth Amendment," the Court held that parental rights could not be severed absent clear and convincing evidence of a basis to terminate. Santosky v. Kramer, 455 U.S. 745, 753 (1982). The Court noted that the child and the parents "share a vital interest in preventing erroneous termination of their natural relationship." Id. at 760. Consequently, applying the Eldridge factors, the Court determined that the private interest affected by proceedings to terminate parental rights is commanding, the risk of error in using a preponderance of the evidence standard is substantial, and the countervailing government interest in using the preponderance of the evidence standard, rather than the clear and convincing evidence standard, was slight.

The issue here -- whether the INS should accept and adjudicate Elian's asylum application in direct opposition to his surviving parent and legal guardian -- does not result in the termination of parental rights. It carries the potential, however, of significantly prolonging, perhaps indefinitely, Elian's separation from his father, resulting in a substantial interference with the father's parental rights. So, while Santosky is not directly applicable to this case, the INS must keep in mind the potential interference with the father's parental rights when determining whether to accept and adjudicate Elian's application for asylum. In Polovchak, the Seventh Circuit addressed the competing interests of the twelve-year old boy who had clearly expressed his desire to apply for asylum and of the parents in asserting their parental rights by requiring the government to allow the parents to participate in their child's immigration matters. Here, the father may not have an opportunity, in a meaningful way, to participate in the adjudication of Elian's asylum application because his residence in Cuba may preclude him from travelling to the United States or because he is unwilling to do so. In order to respect the parental rights of the father, the INS must first determine whether a true divergence of interests exists with respect to Elian's asylum application. Is Elian truly seeking asylum? If not, would his return violate United States' international obligations? If the answer to either question is yes, the INS must adjudicate the application, but in a way that provides the father with a meaningful opportunity to participate.

(i) Elian's capacity to assert a claim for asylum on his own behalf

While the asylum statute clearly invests a child with the right to seek asylum, the question of capacity to assert that right is unresolved. The Polovchak case recognized that a twelve-year-old boy was sufficiently mature to be able to articulate a claim in express contradiction to the wishes of his parents. It did not specifically reach issues relating to the capacity of a younger child, but opined that a twelve-year old was probably at the low-end of maturity necessary to sufficiently distinguish his asylum interests from those of his parents. Elian's tender age is clearly one of the factors that must be considered in assessing whether he can assert an asylum claim. At age six, well below the lower end of necessary maturity described by the Seventh Circuit in Polovchak, we have serious doubts as to Elian's capacity to possess or articulate a subjective fear of persecution on account of a protected ground. There is no indication from the information INS has received that Elian possesses or has articulated a subjective fear of persecution on a protected ground, or that he has the ability to do so. Moreover, we do not believe that Elian, at age six, is competent to affirm that the contents of his asylum application accurately reflect his fear of returning to Cuba, if any. We believe, therefore, that despite his signature on his application for asylum, Elian lacks the capacity to raise an asylum claim. Thus, we do not consider Elian to be seeking asylum or refugee status on his own behalf.

(ii) Objective basis for a valid asylum claim

Capacity is only one of the issues that must be assessed, however. In cases involving unaccompanied minors who may be eligible for asylum, the INS Children's Guidelines, following the recommendations of the UNHCR, advise adjudicators to assess an asylum claim keeping in mind that very young children may be incapable of expressing fear to the degree of an adult. In recommending a course of action for evaluating a child's fear, the Children's Guidelines note that the adjudicator must take the child's statements into account, but it is far more likely that the adjudicator will have to evaluate the claim based on all objective evidence available. The UNHCR notes that the need for objective evidence is particularly compelling where there appears to be a conflict of interest between the child and the parent. UNHCR Guidelines, para. 219.

Thus, while Elian appears to be too young to raise an asylum claim on his own behalf, if objective information demonstrates that there is an independent basis for asylum, notwithstanding the father's stated interests, the INS would be obliged to consider the claim. In evaluating whether such information exists, the INS should first consider the allegations contained in his asylum application.

Elian's application for asylum bases his claim on two grounds. First, the application describes past persecution to members of Elian's family, including detention of Elian's stepfather, imprisonment of his great-uncle, and harassment of his mother by the communist party. Second, the application describes the potential for political exploitation of Elian, based on a political opinion imputed to him by the Castro regime, resulting in severe mental anguish and suffering tantamount to torture. The application includes a request for protection under the

Convention Against Torture. When attorney Roger Bernstein first submitted the application on December 10, he reserved the right, in his cover letter, to supplement the application with supporting documentation. In a meeting prior to the interview of Lazaro Gonzalez, Mr. Bernstein stated that he has spoken to witnesses who could attest to the allegations of past persecution and the likelihood of political exploitation.

None of the information provides an objective basis to conclude that any of the experiences of Elian's relatives in Cuba bear upon the possibility that Elian would be persecuted on account of a protected ground. Further, while we are troubled about the possibility of political exploitation and resulting mental anguish, it does not appear to form the basis of a valid claim for asylum. There is no objective basis to conclude that the Castro regime would impute to this six-year old boy a political opinion (or any other protected characteristic), which it seeks to overcome through persecution. See INS v. Elias-Zacarias, 502 U.S. 478, 112 S.Ct. 812 (1992) (holding that an applicant for asylum based on political opinion must show that the alleged persecutors are motivated by the applicant's political opinion).

Finally, the allegation that any political exploitation of Elian requires protection under the Convention Against Torture is without objective basis. The assertion that the mental anguish Elian might face would be sufficiently severe to constitute torture under the Convention is purely speculative. Additionally, to merit protection under the Convention, the applicant must demonstrate that the torture would be inflicted intentionally. Even if the Castro regime seeks to exploit Elian for political gain, there is no reason to believe that it has any intention of inflicting severe mental anguish or any other form of harm recognized by the United States as torture upon Elian. Further, under U.S. law, the definition of mental suffering that can constitute torture is very narrow: it must be prolonged mental harm caused by the intentional infliction of severe physical pain or suffering, the administration or threatened administration of mind altering substances, or the threat of imminent death to the victim or another person. 8 CFR 208.18(a) Again, there is no indication that any political exploitation of Elian by the Castro regime would involve such tactics.

We do not believe Elian has the capacity to form a subjective fear of persecution on account of a protected ground. Further, there appears to be no objective basis for a valid claim for asylum or protection under the Convention Against Torture. Therefore, we believe that there is no divergence of interest between the father and child with respect to Elian's asylum application which warrants interference with the father's parental authority. Elian's return to Cuba would not violate the United States' obligations under the 1967 Protocol Relating to the Status of Refugees, the Convention Against Torture, or the Convention on the Rights of the Child. The INS may give effect to the father's request for the return of his child by not accepting or adjudicating the application for asylum submitted under Elian's signature.

Disapproved_____

Approved for the reasons stated in the memorandum Doris Meissner

1/5/2000

Subpena to Testify (Hearing)

By Authority of the House of Representatives of the Congress of the United States of America

To Robert Raben: Assistant Attorney General for Legislative Affairs

You are hereby commanded to be and appear before the Full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, in Room 2157 of the Rayburn Building, in the city of Washington, on March 23, 2000, at the hour of 10:00 AM, then and there to testify touching matters of inquiry committed to said Committee; and you are not to depart without leave of said Committee.

To Maria Tamburri

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 17th day of March, ~~XXX~~ 2000

Dan Burton

Chairman.

Attest:

Jeff Trandahl

Clerk.

Subpena for Robert Raben: Assistant Attorney General for Legislative Affairs - Department of Justice 10th and Constitution Ave., NW 20530

before the Committee on the Government Reform

Served by Maria Pia Feinbaum to Robert Raben via facsimile and first class mail 3/20/00 - @ 11:25am

House of Representatives

GPO: 1990 31-257 (m)

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ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

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BERNARD SANDERS, VERMONT,
INDEPENDENT

March 20, 2000

Mr. Robert Raben
Assistant Attorney General for Legislative Affairs
Department of Justice
10th and Constitution Avenue, N.W.
Washington, DC 20530

Dear Mr. Raben:

Pursuant to Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is holding a hearing entitled "Missing White House E-Mails: Mismanagement of Subpoenaed Records." The hearing is scheduled for Thursday, March 23, 2000, in room 2154 of the Rayburn House Office Building at 10:00 a.m.

I am requesting that you testify before the Committee regarding your knowledge of this matter. To this end, you will receive a Committee subpoena requiring your presence at this hearing.

If you wish to make an opening statement, it is requested that you provide 100 copies of your written testimony to the Committee no later than 24 hours prior to the time of the hearing. Also, to facilitate printing of the hearing record, please provide a computer disk containing your testimony. At the hearing we ask that you summarize your testimony in five minutes to allow maximum time for discussion and questions. Also, Rule 12 of the Committee on Government Reform requires that witnesses, "when appearing in a non-governmental capacity, provide a curriculum vitae and a listing of any Federal Government grants and contracts received in the previous fiscal year."

Under the Congressional Accountability Act, the House of Representatives must be in compliance with the Americans with Disabilities Act (ADA). Persons requiring special accommodations should contact Lisa Smith Arafune at 202/225-5074 at least four business days prior to the hearing.

Please contact the Committee's Chief Counsel, James C. Wilson, at 202/225-5074 if you have any questions or need additional information about the hearing. We appreciate your willingness to appear and look forward to your testimony.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman, Ranking Minority Member

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BERNARD SANDERS, VERMONT,
INDEPENDENT

March 21, 2000

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Re: Justice Department's Failure to Investigate White House E-Mails

Dear General Reno:

On March 8, 2000, I wrote to you about the Justice Department's apparent failure to make any effort to obtain a large category of documents potentially relevant to the campaign fundraising investigation. In that letter, I pointed out that the Justice Department had not contacted any of the contractors responsible for the White House e-mail system, and had apparently not pushed the White House to produce this information to the Justice Department.

However, as the Committee has investigated this matter, I have learned that not only has the Justice Department failed to push for any of this information, it is actually playing a key role in keeping the information from coming to light. Currently, the Justice Department is representing the Executive Office of the President ("EOP") in civil suits brought in the "Filegate" case. In recent pleadings, plaintiffs have alleged suppression of evidence and threatening of witnesses concerning mismanaged White House e-mail records that may touch on Filegate matters affecting their case. Rather than responding to the Plaintiffs' allegations with concern, or even withdrawing from the case, the Justice Department lawyers have responded like seasoned defense counsel: they disparaged the plaintiffs' claims; they said that this was old news; and they claimed that it would be impossible to produce the e-mails. In its March 6, 2000, memorandum to the court, the Justice Department first characterized the plaintiffs' allegations as "offensive." Then, it stated that the "technical failure [to produce the e-mails] is a long-standing matter of public record that has been confirmed by the White House itself." Finally, the Justice Department stated that the "EOP has advised both plaintiffs and this Court on innumerable occasions that it has not produced any backed-up or archived e-mail in response to plaintiffs' many discovery requests. Time and again, EOP has forthrightly objected that it is unduly burdensome to perform broad-based searches of archived and backed-up e-mail, especially e-mail stored in a non-word searchable format."

While the Justice Department's zeal in defending its client, the White House, is understandable, it is also troubling. The Justice Department is supposed to be conducting a thorough criminal investigation of allegations of illegal fundraising in the 1996 elections, including allegations about White House involvement in the scandal. Just last week, you stated that "the investigation continues, and we will continue to pursue every lead." Yet, the Justice Department's filing in the Filegate case makes it clear that you are not making any effort to follow this lead. In fact, the Justice Department is disparaging these claims, and is assisting the White House in its efforts to keep these records from being produced to the Justice Department or any other investigative body. These facts lead me to ask a number of questions:

- When did the Justice Department learn of the problem with the White House e-mail system?
- When was the Campaign Financing Task Force informed of the problem with the White House e-mail system?
- Is it the opinion of the Campaign Financing Task Force that allegations that White House e-mails were not produced to the Task Force are "offensive," as the Justice Department suggested in its recent legal brief?
- Is it the Campaign Financing Task Force's position that "it is unduly burdensome to perform broad-based searches of archived and backed-up e-mail, especially e-mail stored in non-word searchable format," as suggested in the Justice Department's brief?

When FBI Director Freeh and Charles La Bella concluded that you were not able to conduct the campaign fundraising investigation, they were obviously right. This conclusion was reinforced when it was learned that your prosecutors had failed to question either the President or the Vice President about any aspect of the foreign money scandal during five separate interviews. It is inconceivable that the Justice Department can on one hand help the White House avoid production of the missing e-mails, and on the other hand, aggressively pursue the e-mails in the campaign fundraising investigation.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

Office of the Attorney General
Washington, D. C. 20530

March 21, 2000

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

Dear Mr. Chairman:

This letter responds to your letter of March 10, 2000, as well as to the Committee's subpoena of that same date seeking copies of a November 1997 memorandum by Director Freeh, a July 1998 memorandum by Charles La Bella, and the memoranda written in response to those memoranda.

The Department declined to provide the La Bella and Freeh memoranda when the Committee subpoenaed them in July 1998. In our joint letter, dated July 28, 1998 (the "joint letter"), Director Freeh and I stated that "our position [was] based principally on the longstanding Department policy of declining to provide congressional committees with access to open law enforcement files." The letter informed the Committee that disclosure of the memoranda could provide a "road map" of the Department's ongoing criminal investigation and place the Congress in a position to attempt to influence decisions in the investigation, including my then-pending decision on whether to accept Mr. La Bella's recommendation that an independent counsel be appointed. As Mr. La Bella himself told the Committee, "[t]he last thing in the world that I want to see as the prosecutor heading this Task Force is that this memo ever get disclosed.... I can't see a set of circumstances under which this report should see the light of day."

The joint letter also explained that, wholly apart from the effect that disclosure would have on the ongoing investigation, release of these documents would chill the deliberative process that is critical to the discharge of the Department's law enforcement mission and the ability of Attorneys General to receive candid, confidential recommendations from the FBI Director and Department attorneys. Director Freeh reemphasized this position during his testimony before the Committee, when he stated that if these deliberative memoranda were disclosed "the chilling effect that that would have on prosecutors, assistant

U.S. attorneys and investigators, in my professional judgment, would be very severe." The Department has always sought to ensure that all law enforcement decisions are products of open, frank and independent assessments of the pertinent law and facts -- uninhibited by political and other improper outside influences. If each attorney's recommendations and views can be dissected by Congress in a public forum, then the free and candid flow of ideas and recommendations would certainly be jeopardized. A unanimous Supreme Court decision recognized the legitimacy of this "chilling effect" concern: "Human experience teaches that those who expect public dissemination of their remarks may well temper candor with a concern for appearances and for their own interests to the detriment of the decisionmaking process." United States v. Nixon, 418 U.S. 683, 705 (1974). The Court observed that "the importance of this confidentiality is too plain to require further discussion." Id.

The Department's interests in protecting both ongoing investigations and the ability of its attorneys to provide frank and independent views are vital to the integrity and proper functioning of the Department. That is why I felt compelled to refuse to produce the La Bella and Freeh memoranda even in the face of the Committee's decision to vote out a contempt citation. I must continue to consider these interests in deciding upon the Department's response to the Committee's March 10 subpoena.

There have apparently been disclosures from one or more memoranda to the media. It is not clear whether the entire memoranda or only portions were disclosed to the media, or whether additional materials were disclosed as well. In any event, whatever disclosure was made was wholly unauthorized.

Contrary to the suggestion made in your letter, moreover, the Department's interests in protecting the confidentiality of its prosecutorial decisionmaking process are not diminished by this unauthorized disclosure. Indeed, acceptance of that premise would in the future lead Department attorneys to refrain from providing candid views and recommendations out of fear that an unauthorized leak of part of a document would automatically result in the disclosure of the entire document, as well as all those written in response to it.

Despite our serious concerns, both Director Freeh and I recognize that the Congress has a legitimate oversight interest in my decisions on whether to seek appointment of an independent counsel in the campaign finance matter. Accordingly, we previously reached an accommodation with the Congress, whereby we agreed to provide access to the La Bella and Freeh memoranda (redacted, as required by law, for grand jury material) under

certain limited conditions. We also made Mr. La Bella and James DeSarno available to testify before the Committee. This was, I believe, an extraordinary effort by the Department to allow the Committee to carry out its oversight obligations while attempting to limit the harm to either the ongoing investigation or the long-term institutional interests of the Department.

Since that agreement was reached in 1998, we have provided access to the La Bella and Freeh memoranda to the Chairmen and Ranking Minority Members of the committees of jurisdiction and their staff. We also arranged for the House impeachment counsel to review the La Bella memorandum in its entirety by obtaining a court order under Rule 6(e) of the Federal Rules of Criminal Procedure. More recently, following a clarifying ruling from the United States Court of Appeals on the scope of Rule 6(e), we received a request from you and other Members to provide access to the La Bella and Freeh memoranda once again, this time redacted in accordance with the new 6(e) standards announced by the Court of Appeals. We agreed to do so, and as a result of the Court decision, a large portion of the previously redacted information was no longer subject to redaction. We advised the Committee staff last fall that the memorandum with reduced redactions was available for review.

While it is clear that a number of critical facts have changed since the summer of 1998, I continue to believe it would be inappropriate to provide copies of this material to the Congress. First, although I have made a final decision not to seek appointment of the independent counsel that Director Freeh and Mr. La Bella recommended and, of course, the Independent Counsel Act has expired, the campaign finance investigation remains open and active. Second, as noted above, there has been an agreement in place since 1998 under which the Congress has had access to the La Bella and Freeh memoranda but does not retain copies, which has enabled appropriate Congressional committees to carry out their oversight responsibilities. Third, the Department continues to have a substantial interest in avoiding a chilling effect on the candor of future prosecutorial deliberations.

I believe that the most constructive way to proceed at this juncture is for the Committee and the Department to continue to explore inter-branch accommodations that satisfy the Committee's legitimate oversight interests while at the same time protecting the Department's interest in avoiding a chill on the candor of future deliberations. Accordingly, we are prepared to make available the following documents for review by you and the Ranking Minority Member, as well as one staff member for each of you, so long as the Committee agrees not to take notes or disclose publicly the contents of the documents: the

November 24, 1997 memorandum by Director Freeh; the July 16, 1998 La Bella Interim Report and Addendum; an August 6, 1998 memorandum to me from Assistant Attorney General James K. Robinson, attaching a memorandum by Lee Radek, Chief, Public Integrity Section, Criminal Division, and a memorandum by Patty Stemler, Chief, Appellate Section, Criminal Division; and an August 25, 1998 memorandum to me from Assistant Attorney General Robinson. In keeping with Federal Rule of Criminal Procedure 6(e) and the Department's longstanding policy on open investigations, these documents will be made available in redacted form to preserve the confidentiality of information that would reveal matters occurring before the grand jury or that could compromise an ongoing aspect of the campaign finance investigation. The amount of redacted material, however, is minimal compared to what was necessary to redact when the La Bella and Freeh memoranda were made available to Congress in 1998.

With respect to your concerns about the process and substance of my application of the Independent Counsel Act, I note that through the course of the three and a half years that the Campaign Financing Task Force has been investigating a wide variety of allegations relating to fundraising by both political parties during the 1996 election cycle, I had to make decisions concerning the former Independent Counsel Act on numerous occasions. Each and every time, with the advice and assistance of many fine attorneys in the Department, including Mr. La Bella and Director Freeh, I reached my own conclusions, based on the facts and the law. Each time, I applied the statutory standards, no matter who was the subject of the investigation. In a number of cases, the application of the law led me to conclude that appointment of an independent counsel was required. In others, a preliminary investigation was conducted but at the end of our examination of the facts and the law, I concluded that the statutory standard for such an appointment had not been met. In still others, I concluded that no preliminary investigation was required. In every case, my ultimate decision was assisted by a free and frank exchange of views by my advisors, and I welcomed the input I received from all who participated in the process.

I disagree strongly with any suggestion that some of the recommendations to me were motivated by improper considerations. I have seen not a shred of evidence to support this, and I would not have tolerated it. The extensive debate on the extraordinarily difficult issues presented was often vigorous, but I am confident that every participant in these discussions has given me in good faith his or her best advice, based upon his or her understanding of the law and the facts. Ultimately, however, the decisions that were made were mine alone.

In applying the standards of the Independent Counsel Act, I sought and received advice from many quarters, including the Public Integrity Section, which has been responsible for the administration of the Act since its initial enactment through both Republican and Democratic Administrations. The Section's specialized knowledge and experience has been invaluable over the years in ensuring that the Act was applied consistently, in Administrations of both parties, and I have full confidence that it did so even-handedly and apolitically in connection with campaign finance related matters. It is important to understand that in making Independent Counsel Act recommendations that related to the campaign finance investigation, the Public Integrity Section at all times worked closely with FBI agents and attorneys from the Task Force who were assigned to the particular matter, and that no decision on independent counsel matters was made without hearing fully from the Task Force and the FBI.

Moreover, at no time did I allow the requirements of the Independent Counsel Act to impair the overall investigative mission of the Task Force. I have repeatedly urged the Task Force to follow the evidence wherever it leads. The Task Force's investigation is still pending.

Decisions under the Independent Counsel Act were frequently not clear-cut; they involved a degree of discretion and judgment. Reasonable people have disagreed as to how the Act should have been applied in particular matters. I, like my predecessors, have been criticized both for seeking appointment of independent counsels and for failing to do so. No one should believe, however, that my decisions have been anything other than good faith efforts to apply the law as written by Congress. I have never tried to protect any person by my application of the law. Regardless of the criticism that was levied, I applied the law as I understood it to the facts as I knew them.

I believe that the information I have provided about my approach to the Independent Counsel Act, together with the Committee's opportunity to review the Freeh, La Bella and other memoranda, represents an appropriate accommodation of the Committee's oversight interests that avoids the chilling effect on future Department deliberations that would result from public disclosure of these candid deliberative documents. We are, of course, prepared to provide further information on the rationale

for my decision and to discuss how best to accommodate legitimate oversight and law enforcement concerns with respect to this matter.

Sincerely,

Janet Reno

cc: The Honorable Henry Waxman
Ranking Minority Member

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To United States Department of Justice Serve: The Honorable Janet Reno

You are hereby commanded to produce the things identified on the attached schedule before the Full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building, in the city of Washington, on March 29th, 2000, at the hour of 5:00pm

To Maria Pia Tamburri

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 22nd day of March, ~~19~~ 2000

Dan Burton
Chairman.

Attest:

Jeff Trandahl
Clerk.

Subpoena for U.S. Department of Justice

Serve: The Honorable Janet Reno

Tenth Street & Constitution Avenue, NW

Washington, DC 20530

before the Committee on the

Government Reform

Served TO: Robert Raben RR

BY: [illegible]

DATE: 3/22/00 TIME: 6pm

House of Representatives

GPO: 1998 51–015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Government Reform Committee
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

United States Department of Justice
Serve: Attorney General Janet Reno
Tenth Street & Constitution Avenue N.W.
Washington, D.C. 20530

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions, please contact Chief Counsel James C. Wilson at (202) 225-5074.

Definitions and Instructions

(1) For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

(2) For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

(3) This subpoena calls for the production of records, documents and compilations of data

and information that are currently in your possession, care, custody or control, including, but not limited to; all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

(4) The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

(5) No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

(6) If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

(7) When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by data, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

(8) This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

Subpoenaed Items

Please provide the Committee with the following records:

1. All interview summaries for the following individuals:

   a. Leon Panetta;
   b. Hillary Rodham Clinton;
   c. Richard Sullivan;
   d. David Mercer; and
   e. Francessa Wakem.

2. All interview summaries of individuals interviewed as part of the preliminary investigations of whether to appoint an Independent Counsel for the President or Vice President.

3. All memoranda regarding decisions not to prosecute the following individuals and matters:

a. Charles N. Duncan;
b. James Kallstrom;
c. Jude Kearney;
d. Alfred La Manna;
e. Mark Middleton;
f. Charles Parish;
g. Richard Scruggs;
h. Vote Now '96;
i. Keshi Zhan;
j. potential obstruction of justice by the Vice President or his office with regard to the delayed production of memos prepared by David Strauss regarding campaign fundraising;
k. a potential scheme to defraud by the Democratic National Committee by diverting soft money to hard money accounts; and
l. use of events such as coffees, overnight stays and trips on Air Force One and Two by the White House to raise campaign funds.

4. All document requests and subpoenas issued by the Justice Department Campaign Financing Task Force to the following entities:

a. Executive Office of the President;
b. The White House;
c. Democratic National Committee;
d. Democratic Congressional Campaign Committee;
e. Democratic Senatorial Campaign Committee;
f. Republican National Committee;
g. National Republican Senatorial Committee; and
h. National Republican Congressional Committee.

5. All records regarding the decision to limit the subject matter of the Campaign Financing Task Force's interviews of the President and Vice President.

6. All records relating to any plan or effort by the Campaign Financing Task Force or the FBI to arrest General Ji Shengde.

7. All records from the Office of the Attorney General, Deputy Attorney General, or Associate Attorney General, relating to Rebekah Poston, Soka Gakkai, or Nobuo Abe (a.k.a. Nikken Abe, a.k.a. Shinno Abe).

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ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

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BERNARD SANDERS, VERMONT,
INDEPENDENT

March 23, 2000

VIA FACSIMILE [redacted] AND FIRST CLASS MAIL

Ms. Ann Todd
Supervisory Special Agent
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535

Re: Committee Investigation into the 1993 Branch Davidian Tragedy

Dear Special Agent Todd:

In response to our telephone conversation this afternoon, I write to request in further detail the nature of our request for familiarization with the Hostage Rescue Team (HRT), scheduled hopefully next Friday, March 31, 2000, their equipment and procedures.

Specifically, we wish to receive briefings on and familiarization training with HRT individual and team equipment including, but not necessarily limited to: (1) the individual and crew-served weapons maintained or otherwise within the possession of the HRT during the 1993 siege near Waco, Texas; (2) the vehicles utilized by the HRT to transport HRT equipment, known colloquially as the "mount-out" vehicle (and all equipment transported or otherwise stored therein); (3) facilities utilized by HRT at its Headquarters located at Quantico, Virginia for training purposes or storage of HRT equipment; and (4) any other matters or training which would better educate Committee staff on the capabilities and resources available to the HRT.

Please confirm that this will take place as soon as possible. If you have any questions concerning these interviews, please feel free to contact me at (202) 225-5074.

Sincerely,

André Hollis
Committee Counsel

Supervising Special Agent Ann Todd
March 23, 2000

cc: Michael Yeager, Esquire,
Democratic Counsel

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JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

March 27, 2000

The Honorable Janet Reno
Attorney General
U.S. Department of Justice
Tenth and Constitution Avenue, N.W.
Washington, DC 20530

Dear General Reno:

The Campaign Financing Task Force has announced an investigation of possible obstruction of justice involving documents not produced to this Committee, various Independent Counsels, and the Justice Department. In a Declaration to the United States District Court for the District of Columbia, filed on March 22, 2000, Robert J. Conrad, Jr., the Chief of the Justice Department Campaign Financing Task Force, stated that: "continued inquiry into this matter by the Civil Division . . . would interfere with and potentially compromise the Task Force's investigation of the pending allegations." Thus, the Task Force, which is supervised by you, has declared that the Civil Division, which is supervised by you, might "interfere with and potentially compromise" a major investigation. First, you rejected an Independent Counsel in favor of running your own investigation of the President, Vice President, and your political party. Now you have decided to use the same Campaign Financing Task Force, supervised by yourself, to investigate yourself and the Justice Department lawyers who helped keep the e-mails from being produced to Congress, Independent Counsels, and your own Campaign Financing Task Force.

Under normal circumstances, I would welcome a Justice Department investigation of possible criminal conduct. However, because you and your staff are in charge, the proposed investigation is fatally flawed. When Director Louis Freeh and then-Task Force Chief Charles La Bella recommended an Independent Counsel in 1998, the words they used effectively predicted the current e-mail scandal. They believed that an

investigation led by the Attorney General would not be able to take steps necessary to secure evidence, vigorously investigate Democrat political leaders and their party, and promote confidence in the rule of law. Now, two years later, the e-mail scandal has proven their point. This part of the campaign finance scandal, however, points directly at the Justice Department – for what the Justice Department did do (represent the White House in keeping the e-mails from investigators) and for what the Justice Department did not do (force production of the e-mails for its own investigation).

There is growing consensus that you were, and are, unable to supervise investigations involving the President, the Vice President, and your political party. For this reason, I call on you to appoint a Special Counsel to investigate the obstruction of justice charges against the White House. The individual chosen should be completely independent, should have no current ties to the Justice Department, and should be seen by the American people to be fair and impartial. With all due respect to Mr. Conrad, he is under your supervision, and he will be subject to the same constraints that have made your foreign money investigation a tragic misadventure. Simply put, you cannot be in charge of investigating yourself and the Civil Division, which is now headed by your former Chief of Staff.

I will address the following points in turn: (1) the perception that you are not able to do your job; (2) allegations that you are predisposed to provide unfair advantages to your political colleagues in matters involving the campaign finance scandal; and (3) the apparent conflict of interest within the Justice Department in the e-mail obstruction of justice matter.

I. The Perception that You Are Not Able to Do Your Job

I will refrain from using this letter as a vehicle for restating my views of your conduct in the campaign financing investigation. They are well known. Rather, I ask that you consider what the media is telling the citizens of this country. I realize that you believe that you should be free from the pressure of the media, and I share your view that an Attorney General should not be driven solely by the dictates of public opinion. Nevertheless, the perception that you have created is devastating to the cause of justice, harmful to the institution you preside over, and damaging to the thousands of good men and women who serve this country in the Justice Department and the Federal Bureau of Investigation. The following selection of assessments speak to your fitness to preside over the e-mail investigation and should give you a taste of what will be said if you elect to run this investigation:

> The general election campaign has gotten off to an unusually fast start, and it has done so under a cloud of suspicion created by **Attorney General Janet Reno's incompetent and politically biased response to the campaign finance abuses of the 1996 campaign**.[1]

[1] *Campaign Finance Battles*, THE NEW YORK TIMES, March 14, 2000, at A22.

The [release of the La Bella memorandum and other] documents are **further evidence of Ms. Reno's politicized handling of the campaign fund-raising issue and of her dedication to protecting Democratic Party interests from start to finish.**[2]

[O]ccasional glimpses the public has had of the Justice Department investigation have **inspired less than total confidence.**[3]

She [Attorney General Reno] **has sought to protect the White House at every turn**, especially after meeting with the President on her reappointment at the outset of his second term. She has named special counsels for trivial cases against Cabinet members, but refused them on serious charges against the President and Vice President despite the La Bella and Freeh recommendations.[4]

Today few doubt any longer that **Ms. Reno is an adjunct to the Clinton-Gore political operation.** . . . The Justice task force's investigation into the ties between China and the 1996 Clinton campaign contributions has been a catalog of lapses.[5]

The **inability of Attorney General Janet Reno and her politicized Justice Department to investigate the Clinton Administration** shows that the country needs to polish the independent counsel mechanism, not junk it.[6]

[I]n **an unforgivable dereliction of duty**, Attorney General Janet Reno failed to pursue the clear violation of the letter and spirit of the campaign laws.[7]

If Ms. Reno decides in the end to appoint an independent counsel, the [Government Reform] committee's contempt vote will be rendered meaningless. If, on the other hand, she refuses, she risks the unthinkable. At that point, **it would be better for her to resign than to continue to ignore a Congress that finds her unbelievable.**[8]

She comes not to expose political corruption, but to bury it.[9]

---

[2] *The Justice Department Memos,* THE NEW YORK TIMES, March 11, 2000, at A14.
[3] *Dan Burton's Question,* THE WASHINGTON POST, December 19, 1999, at B6.
[4] *Reno's Most Wanted,* THE WALL STREET JOURNAL, September 7, 1999, at A24.
[5] *Watching the Watchdog,* THE WALL STREET JOURNAL, July 1, 1999, at A22.
[6] *More Bad Advice From Ken Starr,* THE NEW YORK TIMES, April 15, 1999, at A30.
[7] *A New Year for Campaign Reform,* THE NEW YORK TIMES, December 27, 1998, at §4, p.8.
[8] *Reno's Dilemma; Appoint an Independent Counsel or Resign,* THE DALLAS MORNING NEWS, August 7, 1998, at 36A.
[9] *Law School for Janet Reno,* THE NEW YORK TIMES, July 19, 1998, at §4, p.14.

> Every decision she has made and comment she has offered has minimized the offenses and excused the conduct of the White House and the Democratic Party. The person who is supposed to be the nation's chief prosecutor, ever alert for signs of infraction, **sounds instead like a technicality-hunting defense lawyer**.[10]
>
> **"Even if it looks like a duck," a Justice Department source said recently, explaining the task force approach, "we can't make it quack."**[11]

These are harsh, yet consistent, assessments of your role in the campaign finance investigation. In many respects, they are your legacy. It is important, however, that the institution you run not be further injured. Doubtless, at your next news conference you will tell us that you 'call them as you see them' and that you don't do 'what ifs.' But this is a serious matter, and it calls for a real investigation, not platitudes. You were in charge when the Justice Department's Civil Division began to help the White House craft its efforts to hide these e-mails. You were in charge when your lawyers went to bat for the White House instead of against it. The e-mail investigation is, in part, of you, and it would be absurd for you to cling to the fiction that you can investigate yourself.

Thus, I call upon you to appoint a Special Counsel.

II. The Perception that You Are Predisposed to Provide Unfair Advantages to Your Political Colleagues in Matters Involving the Campaign Finance Scandal

Charles La Bella, the former head of your campaign financing task force made the following observations to you:

> [The] Task Force has commenced criminal investigations of non-covered persons based only on a wisp of information.[12]
>
> If these allegations involved anyone other than [redacted], an appropriate investigation would have commenced months ago without hesitation.[13]
>
> The contortions that the Department has gone through to avoid investigating these allegations are apparent.[14]
>
> [There is] no acceptable explanation as to why one is the subject of a full criminal inquiry and the other is and remains in investigative limbo.[15]

---

[10] *Meltdown at Justice,* THE NEW YORK TIMES, December 7, 1997, at §4, p.16.
[11] Susan Schmidt and Roberto Suro, *Troubled from the Start; Basic Conflict Impeded Justice Probe of Fund-Raising,* THE WASHINGTON POST, October 3, 1997, at A1.
[12] Charles La Bella, THE LA BELLA MEMORANDUM (unreleased).
[13] Charles La Bella, THE LA BELLA MEMORANDUM (unreleased).
[14] Charles La Bella, THE LA BELLA MEMORANDUM (unreleased).

> The Department's treatment of the Common Cause allegations has been marked by gamesmanship rather than an evenhanded analysis of the issues. That is to say, since a decision to investigate would inevitably lead to a triggering of the ICA [Independent Counsel Act], those who are hostile to the triggering of the Act had to find a theory upon which we could avoid conducting an investigation.[16]
>
> The Task Force never conducted an inquiry or investigation of the entire campaign finance landscape in order to determine if there exists specific information from a credible source that a covered person . . . has violated a federal criminal law.[17]

These observations go to a central theme: you have presided over an investigation that has given an unfair advantage to the President, the Vice President, high government officials, and members of the Democrat Party. How else can one explain the following:

- The Justice Department failed to ask the President a single question about foreign money or James Riady's promise of one million dollars.
- The Justice Department failed to ask the Vice President a single question about the Buddhist temple fund-raiser. Furthermore, one week before the 1996 election, the Justice Department pulled prosecutors off the Buddhist Temple fund-raiser case.
- The Justice Department failed to investigate, or delayed an investigation of, the subject of the above-mentioned quote ("if these allegations involved anyone other than [redacted], an appropriate investigation would have commenced months ago without hesitation"). My suspicion, from the context of the quote, is that the individual referred to is Harold Ickes, but the fact that you delayed the investigation is perhaps more important than the identity of the individual.
- The Justice Department failed to pursue evidence, ranging from search warrants related to Charlie Trie's documents to the White House e-mails that are the subject of the current controversy. Recently this Committee subpoenaed the actual document requests made to the White House by the Justice Department. I am concerned that we will soon learn that there are many other areas that the Justice Department neglected to pursue.
- When the Justice Department failed to recommend a fine for Charlie Trie, the judge in the case had to take it upon himself to reject the Department's recommendation and stiffen the penalty.

---

[15] Charles La Bella, THE LA BELLA MEMORANDUM (unreleased).
[16] Charles La Bella, THE LA BELLA MEMORANDUM (unreleased).
[17] Charles La Bella, THE LA BELLA MEMORANDUM (unreleased).

These examples do not stand alone. There are many more.

One other matter cannot be ignored when discussing the predisposition to go easy on your political colleagues and the Democrat Party. When Mr. La Bella wrote his memorandum recommending the appointment of an Independent Counsel, he pointed out that you consistently used an erroneous interpretation of the Independent Counsel statute. He said: "[t]he reference to specific and credible evidence is just wrong."[18] He was referring to your many pronouncements that appointment of an Independent Counsel required specific and credible evidence, as opposed to the language of the statute, which actually required specific information from a credible source. La Bella pointed out that "the threshold has been raised from consideration of the specificity of the information and credibility of the source to a determination that there is specific and credible evidence of a federal violation. Evidence suggests something which furnishes proof, information need not be as directed. While the distinction may appear to be subtle, it is significant." Again, your misapplication of the statute is important when we consider Mr. Conrad's request to have you take charge of the e-mail investigation.

In the e-mail investigation, it would be inappropriate to allow lax enforcement or manipulation of the law in order to benefit political colleagues and a political party.

Thus, I call upon you to appoint a Special Counsel.

III. The Conflict of Interest Within the Justice Department in the E-mail Obstruction of Justice Matter

After all that has happened since you took control of the campaign finance investigation, I believe that you are not able to investigate the possibility of White House obstruction of justice. In fact, there are serious and legitimate concerns that your own lawyers may be part of possible obstruction of justice.

On Friday, March 24, 2000, I received an affidavit from Laura Callahan. She had testified at a hearing before my Committee on March 23, 2000, and, in an effort to correct her testimony from the previous day, she submitted an affidavit. In the affidavit, she stated "I wish to clarify that I did discuss email issues with Department of Justice attorneys in connection with currently pending civil litigation." Her contacts with the Justice Department took place in 1998 and resulted in the submission of an affidavit to the United States District Court for the District of Columbia in 1998.

One of the lawyers who assisted in the preparation of the 1998 affidavit was James Gilligan, who recently denigrated the existence and importance of the e-mails in a filing in District Court in the civil case *Cara Leslie Alexander v. Federal Bureau of Investigation,* No.96-2123/97-1288 (RCL).[19] Furthermore, Justice Department lawyers

[18] Charles La Bella, THE LA BELLA MEMORANDUM (unreleased).

[19] The Department of Justice stated in a recent filing with the District Court: "As a threshold matter, defendant observes that plaintiffs' latest rhetorical outburst concerning e-mail can only be described as yet

assisted Daniel A. Barry in his submission of an affidavit to the same District Court on July 9, 1999. At that time, the problem was widely known within the White House, and Mr. Barry was clearly frustrated by his supervisors' failure to move towards a solution to the Mail2 e-mail problem. Notwithstanding his knowledge of the problem, Mr. Barry failed to refer to the matter in his affidavit.

Although we do not know what Mr. Gilligan knew regarding the extent of the problem, it seems unlikely that he was oblivious to the fact that there was a universe of information that had never been reviewed for responsiveness to subpoenas and document requests. In his zealous representation of your client, the White House, he contributed to the failure to produce information to your own Campaign Finance Task Force, to my Committee, and to various Independent Counsels. Although I risk stating the obvious, I do not see how you could represent both sides in the same case. It is well-nigh impossible to tell your client to produce information when you are counseling the same client how to avoid producing the same information. Indeed, Justice Department lawyer James Gilligan made representations in open court on March 24, 2000, that the Justice Department was "on the horns of a dilemma" and that the Department was faced with either impeding the criminal investigation, or failing to defend vigorously their client, the White House.

From my perspective, I do not see how you can tolerate the representation that the e-mails are not consequential, as indeed has been made by Mr. Gilligan. I can only imagine how you would react if, in a tax fraud case (or a criminal assault case, or a civil rights case, or a voting rights case, or any other type of legitimate federal investigation and prosecution), the individual under investigation took the position that production of a large quantity of documents freed him from complying with specific requests. This, in effect, is the position of the White House in the current controversy. The "I have complied with some of your request so please go away" theory of investigation may be the standard you have set for your campaign finance inquiries, but it is not acceptable to the Committee of which I am Chairman.

In the case of the White House electing not to inform this Committee that it was not going to undertake a search for documents responsive to subpoenas, an obstruction of justice investigation will ultimately have nothing to do with the content of the e-mails. The issue is relatively simple: either White House lawyers made a good faith attempt to do what they were required to do by law, or they did not. It is my belief that your Justice Department cannot be relied upon to get to the bottom of this matter because of the conflict within the Justice Department and because of your own demonstrated lack of enthusiasm when it comes to investigating the White House, the President, the Vice President, and your political party.

---

another 'distraction from the issues in this lawsuit.' The technical failure to which plaintiffs allude is a long-standing matter of public record that has been confirmed by the White House itself." Executive Order of the President's Memorandum in Opposition to Plaintiffs' Requests to Restrict Disclosure of the First and Second Supplements to Plaintiffs' Motion for Evidentiary Hearing, and in Support of Cross Motion for Expedited Consideration dated March 6, 2000 (quoting Memorandum and Order dated April 21, 1999). It is worth noting, for the record, that this Committee was not informed by the White House of the "technical failure."

For the reasons cited above, I request that you appoint a Special Counsel to determine whether either or both the White House and the Department of Justice conspired to obstruct justice by either failing to search for information responsive to this Committee's subpoenas, or by failing to represent that the White House had not searched for information responsive to this Committee's subpoenas. I also request that this Special Counsel investigate whether untruthful certifications were made to the Committee regarding productions of subpoenaed documents.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: United States District Judge Royce C. Lamberth
Louis Freeh, Director of the Federal Bureau of Investigation
Independent Counsel Robert Ray
Independent Counsel Ralph Lancaster
Independent Counsel Donald Smaltz
Independent Counsel David Barrett
Independent Counsel Carol Elder Bruce
Independent Counsel Curtis Von Kann
Senator John Danforth
Honorable Henry A. Waxman, Ranking Minority Member, Committee on Government Reform
Members, Committee on Government Reform

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ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM
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HAROLD E. FORD, JR., TENNESSEE
JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

March 30, 2000

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Re: Criminal Referral of Daniel A. Barry

Dear General Reno:

I am writing to refer to you information about possible violations of law that have been uncovered in the course of the Committee's investigation of the White House e-mail system. The Committee has learned that Daniel A. Barry, the Deputy Data Center Manager/Electronic Records Manager in the Executive Office of the President may have made false statements under oath in civil litigation relating to the White House's handling of confidential FBI files. I urge you to give these charges the serious examination they deserve. As I will explain below, the only way that this referral can receive serious attention is if it is referred to a special counsel.

At all relevant times during the civil litigation, *Alexander v. FBI*, Mr. Barry was represented by attorneys in the Justice Department's Civil Division. Justice Department lawyers oversaw the preparation of Mr. Barry's affidavit which now appears to be perjurious. Justice Department lawyers filed that affidavit in court. Accordingly, any examination of the issues raised by this referral will include an investigation of the role of Justice Department attorneys in offering false testimony in the *Alexander* lawsuit. As I have explained in two earlier letters, I do not believe that the Justice Department can carry out a credible investigation of the White House e-mail system. Accordingly, I have called on you to appoint a special counsel to investigate the allegations against the White House. To date, you have ignored my call. However, now that there is evidence that the Justice Department itself may have been involved in preparing and presenting false testimony relating to the White House e-mail system, I cannot see that you have any choice but to appoint a special counsel.

A. Daniel Barry's Role in the E-Mail Matter

As the Deputy Data Center Manager/Electronic Records Manager in the Executive Office of the President, Mr. Barry is responsible for managing the Automated Records Management System ("ARMS"), and in fact, was one of the primary designers of the ARMS system. As the ARMS manager, Barry receives requests and processes search requests from the White House Counsel's office in response to subpoenas and document requests.

Barry first became aware of an anomaly in the ARMS system in January 1998, when he was conducting a search of the ARMS system for e-mails relating to Monica Lewinsky. While conducting this search, Barry noticed that the records retrieved by ARMS appeared to be missing an intermediate message between Monica Lewinsky and an EOP computer user. While ARMS had no record of this e-mail, Barry and a colleague were able to find the e-mail with a manual search of the server. Barry informed his superiors of this anomaly, but did not necessarily attribute it to a systemic problem with ARMS.

In late May and early June of 1998, Northrop Grumman contract employees at the White House discovered that there was a widespread problem with the ARMS system. Barry informed the Committee that he was made aware of the problem in July 1998, and began work on it soon thereafter. From July 1998 through 1999, Barry was involved in attempting to repair the ARMS system so that it would contain a complete and accurate archive of White House e-mails.

B. Barry's False Affidavit in the Filegate Lawsuit

Barry gave a deposition and filed a number of affidavits in *Alexander v. FBI*, a civil lawsuit regarding unauthorized access to FBI files. Barry offered testimony regarding the White House computer system generally, and the White House e-mail system specifically. On July 9, 1999, Barry filed an affidavit about the White House e-mail system in the *Alexander* case. (Attachment 1.) The purpose of Barry's affidavit was to explain how the White House would conduct the plaintiffs' request to search for e-mail relating to the case. Barry also explained how much that search would cost, and how much time it would take.

Paragraph 4 of Mr. Barry's affidavit states:

> Since July 14, 1994, e-mail within the EOP system administered by the Office of Administration has been archived in the EOP Automated Records Management System (ARMS). With this current system, this e-mail is susceptible to being word-searched for a single character string (e.g. "FBI" or "FBI files") or a multiple character string ("and" and "or" searches) found on any one line of text.

Through testimony provided in interviews and hearings, documents, and representations made to the Committee by White House Counsel, we have learned that Paragraph 4 is utterly false. Furthermore, we have learned that Mr. Barry knew his statement was false when he made it.

1. Barry's Statement is False

As indicated above, in May or June of 1998, Northrop Grumman contract employees working for the EOP identified a significant problem with the EOP e-mail system. Incoming e-mail to a particular server named "Mail2" was not being collected and archived for future searches in ARMS. The Northrop Grumman employees were tasked with identifying the scope of the problem, and quickly learned that 246,000 e-mails on Mail2 as of June 18, 1998, had not been collected and archived in ARMS. This number represented approximately one out of every five e-mails on the server as of that date. This information was quickly communicated up the White House chain of command. By the following day, June 19, 1998, the President's Deputy Chief of Staff, John Podesta, and Counsel to the President, Charles Ruff, had both been briefed on the nature and scope of the problem. An initial repair was finished in November 1998, so that e-mails from November 1998 forward were captured by ARMS. However, between August 1996 and November 1998, e-mails coming into the Mail2 server from outside the White House were not captured by ARMS. This problem has been confirmed in sworn testimony by Northrop Grumman and White House employees.

Mr. Barry's affidavit contains the statement that "[s]ince July 14, 1994, e-mail within the EOP system administered by the Office of Administration has been archived in the EOP Automated Records Management System (ARMS)." By the accounts of every witness that this Committee has interviewed, including Mr. Barry, and the White House itself, this statement is false. The Mail2 error prevented a significant number of e-mails from being archived in the ARMS system between August 1996 and November 1998.[1]

2. Barry Knew the Statement was False

The Committee has also received extensive evidence that Mr. Barry knew that the statement in his affidavit was false when he made it. In July 1999, when Mr. Barry filed his affidavit, he had known about the e-mail problem for a year. As the manager of the ARMS system, Barry was notified that there was a problem with ARMS in July 1998. At

[1] Barry may attempt to claim that his affidavit refers only to e-mail between users in the Executive Office of the President. Due to the technical nature of the Mail2 error, such e-mail would be captured on the ARMS system. However, such a narrow reading of the Barry affidavit is contradicted both by common sense, and the facts of the *Alexander* case. Barry's statement clearly refers to e-mails held within the EOP e-mail system, not e-mails between EOP users. This reading is supported by the context of the affidavit, in which Barry discusses the plaintiffs' request for a search of the e-mails of 30 different EOP staff. The plaintiffs' search request was not limited to e-mails between EOP users. Rather, it requested all e-mail on the relevant subject matter, regardless of the source. Furthermore, if the language in the affidavit was chosen intentionally to mislead, it raises significant questions about the state of mind of the attorneys involved in the drafting process.

the Committee's hearing on March 23, 2000, Barry testified he was informed of the problem in July 1998, and that after that point, he attended technical meetings in the summer of 1998 and discussed in great detail the nature and scope of the problem.

There is also extensive documentary evidence that Mr. Barry was aware of the ARMS problem beginning in the summer of 1998. Barry drafted many e-mails and reports about his work on the Mail2 problem, indicating that he was aware that there were a number of e-mails that were not archived in the ARMS system:

- On July 24, 1998, he wrote, "I continue to be involved in discussions regarding the Mail2 problem, but there has been no movement thus far on correcting the problems or getting the data over to ARMS." (Attachment 2.)

- On August 13, 1998, he wrote, "I am very concerned about several aspects of this problem. As far as I can tell, there is no movement underway to fix the problem and recover the lost records from the backup tapes. When I talk to Sandy Golas and John Spriggs or Bob Haas, they tell me that there is no movement on this project from their side and the last activity was the meeting that we had with Betty before she left on 7/28." In the same e-mail he wrote, "I feel the records must be recreated, and any searches need to be re-performed if the requestors feel it is necessary. This seems like a daunting proposition, but I do not see any other alternative. (Attachment 3.)

Therefore, when Mr. Barry submitted his affidavit in the Alexander case on July 9, 1999, he had been aware of the Mail2 problem for a year. He had been working on the problem, and had specific and detailed knowledge of the fact that there was a large number of e-mails that were not being archived within ARMS. Therefore, when Barry stated in his affidavit that "[s]ince July 14, 1994, e-mail within the EOP system administered by the Office of Administration has been archived in the EOP Automated Records Management System (ARMS)," he was aware that the statement was false and misleading.

C. Role of the Justice Department and the White House Counsel's Office

Mr. Barry was represented by the Justice Department and White House Counsel's office during the course of the *Alexander* case. It is my understanding that lawyers from the Justice Department and the White House Counsel's Office drafted Mr. Barry's affidavit. At the time, the Justice Department and the White House Counsel were apparently aware of the White House e-mail problems. Yet, they prepared an affidavit that was false, allowed Barry to sign that affidavit, and then filed it in federal court. The conduct of the lawyers from the Justice Department and White House raises a real question as to whether those individuals were involved in a criminal conspiracy to obstruct justice and commit perjury. Any perjury investigation of Mr. Barry should therefore include a thorough examination of possible perjury and obstruction of justice charges against the Justice Department and White House lawyers involved in preparing

Mr. Barry's affidavit. Clearly, the Justice Department has a conflict of interest if it attempts to investigate these charges. Therefore, I will repeat my call for you to appoint a special counsel to investigate these charges against Mr. Barry, as well as the entire e-mail problem.

Conclusion

You have received repeated criticism for your handling of the campaign finance investigation. For more than three years, you have insisted that you can carry out a thorough and competent investigation of your direct superior and your own political party. However, the facts have shown otherwise, as the campaign fundraising investigation is widely regarded as a massive failure. The allegations of obstruction of justice relating to the White House e-mail problem present yet another clear case for the appointment of a special counsel.

In this case, your obligation to appoint a special counsel is obvious. As I pointed out earlier this week, Justice Department lawyers representing the White House have been attempting to prevent the discovery of these e-mails for almost two years. Now, these allegations against Mr. Barry raise the possibility that lawyers from the Justice Department and White House Counsel's Office conspired to present false testimony to a federal court. The Justice Department cannot investigate these allegations against itself. To attempt to do so would cripple the investigation, and continue to erode the little remaining trust that the Congress and the public have in you and the Department of Justice.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Royce C. Lamberth, United States District Judge
Independent Counsel Robert Ray
Independent Counsel Ralph Lancaster
Independent Counsel Donald Smaltz
Independent Counsel David Barrett
Independent Counsel Carol Elder Bruce
Independent Counsel Curtis Von Kann
Senator John Danforth
The Honorable Henry A. Waxman, Ranking Minority Member

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CARA LESLIE ALEXANDER, et al.,	)	
Plaintiffs,	)	
v.	)	
	)	Civil Action Nos.
	)	96-2123/97-1288 (RCL)
FEDERAL BUREAU OF INVESTIGATION, et al.	)	CONSOLIDATED ACTIONS
Defendants.	)	

DECLARATION OF DANIEL A. BARRY

I, Daniel A. Barry, for my declaration pursuant to 28 U.S.C. § 1746, depose and state as follows:

1. My name is Daniel A. Barry. I am employed as a Computer Specialist by the Executive Office of the President ("EOP"), Office of Administration, Information Systems & Technology Division ("IS&T"). I have held this position since June 1992. My current responsibilities include electronic records management projects and EOP's Automated Records Management System (ARMS). Previously, my responsibilities included maintenance and implementation of EOP's former electronic mail ("e-mail") system, ALL-IN-1.

2. I previously provided declarations in this litigation dated March 4, 1998, and March 30, 1998, and testified at a deposition on June 11, 1998.

3. I have personal knowledge of the matters attested to herein.

4. Since July 14, 1994, e-mail within the EOP system administered by the Office of

Administration has been archived in the EOP Automated Records Management System (ARMS). With this current system, this e-mail is susceptible to being word-searched for a single character string (e.g., "FBI" or "FBI files") or a multiple character string ("and" and "or" searches) found on any one line of text.

5. There is an ongoing restoration and reconstruction process for backed-up, pre-July 14, 1994 e-mail. That process, which I described in my March 4, 1998 declaration, is nearly complete. Backed-up e-mail for all months between November 1992 and July 1994 has now been restored and reconstructed, with the exception of backed-up e-mail for the months of February 1993, and March 1993. Restoration and reconstruction of backed-up e-mail for the months of February 1993 and March 1993 is expected to be complete by mid-August 1999. As a result of the restoration process, pre-July 14, 1994 e-mail can be searched in same manner as described in paragraph 4, above.

6. I have reviewed the request of plaintiffs for a search of e-mail (attached). That request lists 30 individuals whose e-mail should be searched, as well as "all past and present members of Mrs. Clinton's staff, and all those who worked at the OPS during the Clinton Administration." It further requests that all such e-mail be searched for 36 listed words and phrases.

7. As explained below, I have estimated the time and cost involved in accomplishing the search proposed by plaintiffs of e-mail that is now searchable on-line for all the months between January 1993 and June 1999 as $687,180, 702 hours of personnel time, and 1092 computer processing ("central processing unit" or "CPU") hours.

8. In arriving at this estimate, I have made certain assumptions: (1) that only records of

the White House Office will be searched; (2) that I would be provided a list of "all past and present members of Mrs. Clinton's staff, and all those who worked at the OPS during the Clinton Administration," and that the list of such names would be no more than 10 individuals; and (3) that plaintiffs' list of individuals means a search of all e-mail sent to or from such individuals (including "cc:" and "bcc:").

9. In order to conduct the search requested by plaintiffs, a computer specialist would spend approximately four hours setting up the search request. For the purposes of conducting e-mail searches, our office typically estimates that an hour of a specialist's time costs $40. Accordingly, the cost of the initial set-up would be approximately $160.

10. After the initial set-up, the search would involve several steps. The estimated cost and time for searching the e-mail from a single month are described below. The actual costs will vary depending on the volume of e-mail retrieved, as well as the volume of e-mail in a given month.

(a) A computer specialist would search the e-mail for the 36 words and phrases listed by plaintiffs. A search for the 36 words and phrases proposed by plaintiffs would take approximately four (4) CPU hours. For the purpose of conducting e-mail searches, our office typically estimates that one CPU hour costs $600. Accordingly, the estimated cost of such computer usage for searching the words and phrases requested would be approximately $2400.

(b) A computer specialist would then set-up the next phase of the search by individual. This set-up for the next phase would take approximately one (1) hour of a specialist's time, and cost $40. This is in addition to the initial set-up time described in paragraph 9.

(c) A computer specialist would then search the e-mail recovered from the first step (of

the 36 words and phrases) for all e-mail to and from the approximately forty individuals identified. This step would take approximately 10 CPU hours and cost approximately $6000.

(d) Lastly, the results would be printed. Since the proposed search includes such common terms as "update" and "Clinton," I would anticipate that a significant amount of e-mail would be recovered and printed. Although the actual cost will vary depending on the volume of e-mail retrieved and the volume of e-mail in a given month, I estimate that it would take approximately eight (8) hours and $320 to print the results, yielding approximately 44,000 pages or 8 boxes.

11. In addition, I estimate the miscellaneous costs of doing such a search -- e.g., the paper, ink, etc. -- as approximately $50.

12. Aside from the initial fixed set-up costs, the above estimates of $8810 and nine (9) hours and 14 CPU hours are for searching the e-mail of a single month. That estimate would need to be multiplied by 78 if all e-mail for the months of January 1993 through June 1999 were searched. Accordingly, the estimated total cost if all e-mail for January 1993 through June 1999 were searched for the terms and individuals proposed by plaintiffs would be $687,180, 702 hours of personnel time, and 1092 CPU hours.

13. The two types of tape drives used to read the IBM 3480 cartridge tapes are (1) Digital Equipment Corp. (Compaq) TA90E, and (2) Digital Equipment Corp. (Compaq) TKZ61.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 9 of July, 1999.

Daniel A. Barry

DANIEL A.
BARRY
07/24/98 12:18:31 PM

Record Type: Record

To: James B. Wright [redacted]
cc:
Subject: Weekly for 7/24/98

E-mail reconstruction activity

- I attended the regular reconstruction status meeting this week.
- I was informed this week that a problem had been uncovered in the process the reconstructs the pager data. The problem caused valid pager messages to appear as duplicates and therefore not get processed. The problem has now been fixed for the current and future processs cycles but will have to be fixed for process cycles 1-9 (The previously delivered cycles). This problem will be corrected when the delivered tapes are cut to resolve the other two problems uncovered after production began (Truncation and incorrect file structure on anomaly records)
- I have received a goods and services request covering the purchase of new disks. I will review this next week and decide how to proceed. These disks will be needed prior to commencing the Daily tapes and they will allow more efficient processing if we purchase them sooner.

ARMS activity

- I coordinated the completion of 2 searches this week. One was a FOIA for CEQ records and the other was for WHO records.
- I spent a lot of time this week (10 hours) nursing both the tape processing for ARMS as well as the regulare records processing through their respective stages. The communications between the NOTES data and the ARMS system failed last week and the backup caused severe delays in processing that spilled over into this week. There also seems to have been an increase in traffic which further exarcebated the situation. I will continue to monitor the process so that it does not fall behind again.
- I have been contacted by WHO counsel (Karl Racine and Dimitri Nionakis) regarding two separate Search requests. I have only received 1 of them thus far and I will try to get it running over the weekend.

FAMCO Contract

- I attended a meeting with the NG project manager and the COTR in preparation for my role next week as acting COTR.

Additional activities

- I continue to be involved in discussions regarding the MAIL2 problem but there has been no movement thus far on correcting the problem or getting the data over to ARMS. The plan for fixing the problem has been submitted.

Planned Activities for next week:

- I will be acting COTR for the NG contract next week.
- I plan on getting the 2 search requests under way.

James B. Wright
08/13/98 07:37:13 AM

Record Type: Record

To: Daniel A. Barry
cc: Kathleen K. Gallant
bcc: Records Management
Subject: Re: Concerns

Tony there as been some movement to get this back on the movement track. Kathy informed me yesterday that Paulette briefed Jim Welsh of NG that he can now proceed with developing a plan to get this effort going.

Certainly the Data Center and the Records Team has been left out of this matter and the result could be a great deal of work put upon us later.

I would suggest that we setup a meeting with Jim Welsh and see if we can find out his anticipated time schedule and general direction.

If you do not know him we should go over and introduce you to him today.
I will see if he is in today and set something up.

Is there anything else I should do in the short term?

Jim
DANIEL A.

DANIEL A.
BARRY
08/13/98 07:21:01 AM

Record Type: Record

To: James B. Wright
cc:
Subject: Concerns

Jim;

This is a followup to our discussions on Tuesday regarding "the mail2 problem" or project X.

I am concerned about several aspects of this problem. As far as I can tell, there is no movement under way to fix the problem and recover the lost records from the backup tapes. When I talk to Sandy, John or Bob they tell me that there is no movement on this project from their side and the last activity was the meeting we had with Betty before she left (7/28).

ATTACHMENT 3 | E 1000

Sandy has submitted a Goods and Services to Paulette to purchase 6 disks to hold the data on the VAX side.
The only people I have had contact with on this project are You,Cathy,Betty,Sandy,Bob and John. I have not spoken with any other Govt person on this and I am not at all clear what my role should be. I feel that the records must be recreated and any searches need to be reperformed if the requestors feel it is necessary... This seems like a daunting proposition but I do not see any other alternative.
Additionally, I feel that I can not walk away from this problem because any work that will be done to recover the records will directly impact ARMS and searching... also, as each day goes by, there is a risk that one of the affected accounts could be moved to another server (Dan Gunia continues to do his job while not knowing the impact) This would cause records to flood into ARMS but have corrupt data in them.

I appologize for the rambling nature of this memo but I hope it captures my concerns and frustration level.

Any help is appreciated.

Later... Tony

DAN BURTON, INDIANA,
CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. MCHUGH, NEW YORK
STEPHEN HORN, CALIFORNIA
JOHN L. MICA, FLORIDA
THOMAS M. DAVIS III, VIRGINIA
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JOE SCARBOROUGH, FLORIDA
STEVEN C. LATOURETTE, OHIO
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ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

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HAROLD E. FORD, JR., TENNESSEE
JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

April 3, 2000

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Re: Request for Interviews

Dear General Reno:

As you know, the Committee on Government Reform has been investigating the failure of the White House to produce e-mails responsive to its subpoenas. In connection with this investigation, the Committee has been examining the role of Justice Department attorneys in protecting these e-mails from disclosure. Accordingly, I am requesting that the Justice Department provide the following Department personnel to the Committee for interviews: James Gilligan; Elizabeth Shapiro; Julia Fayngold Covey; Allison Giles; and Ann Weisman.

Please have your staff contact the Committee's Chief Counsel, James C. Wilson, to arrange times and dates for the requested interviews.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

DAN BURTON, INDIANA
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INDEPENDENT

April 5, 2000

Mr. Roger Nisely
Special Agent in Charge
Critical Incident Response Group
Federal Bureau of Investigation Academy -- HRT
Quantico, Virginia 22135

Dear SAC Nisely:

On behalf of my colleagues here at the House Committee on Government Reform, I'd like to thank you and your colleagues at the Hostage Rescue Team for the briefings and familiarization that you provided us on Friday, March 31, 2000. We very much appreciated the opportunity to learn more about the Team's capabilities and the level of training and discipline necessary to be and remain a member. We especially appreciate the effort that ASAC Hazen and the Team members undertook to make their equipment and training available for our review.

Please pass our thanks and appreciation and our best wishes to each Team member.

Sincerely,

André Hollis
Committee Counsel

cc: Michael Yeager, Esquire

ASAC Les Hazen
Eleni Kalisch, Esquire
Supervising Special Agent Ann Todd

U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535

April 5, 2000

Andre Hollis, Esq.
Senior Counsel
Committee on Goverment Reform
and Oversight
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Hollis:

I am writing to document our recent discussion regarding document production pursuant to the Committee's subpoena dated September 1, 1999, and letter from the Committee's Senior Counsel, Marc Chretien, dated October 8, 1999.

In an effort to further identify documents of priority interest to the Committee, you have recently reviewed materials at FBI Headquarters. Following your review, you met with FBI Assistant General Counsel, Roberto Iraola; Civil Discovery Review Unit Chief, Paul Cignoli; and myself. At that meeting we agreed to the following terms for the continued production of Waco-related materials:

1. Documents identified as duplicates of material previously provided to the Committee need not be produced at this time. However, any duplicate document containing non-administrative handwritten notations or markings will be provided to the Committee. All duplicate copies not produced to the Committee will be maintained by the FBI in the event the Committee seeks to review them at a later date.

2. A collection of videotapes, as identified by you, need not be copied and produced to the Committee at this time, provided that an inventory of those tapes is produced.

Andre Hollis, Esq.

3. The FBI will follow the Department of Justice's lead with respect to the production of documents which are identified as privileged in the pending litigation. This means that core work product material (i.e., documents which reflect the mental impressions of trial attorneys or their trial strategy) will not be available for staff review. The FBI, however, will allow Committee staff access to non-core privileged documents on a confidential basis in order to facilitate the Committee's investigation.

I believe that this accurately reflects the agreement that we reached. If, however, you feel that revisions are necessary, please do not hesitate to contact me.

On behalf of the FBI, I would like to thank you and the Committee for your continued cooperation in reaching mutual accommodation on document production and other issues.

Sincerely yours,

Eleni P. Kalisch
Special Counsel
Office of Public and
Congressional Affairs

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

April 7, 2000

Mr. James Wilson
Chief Investigative Counsel
Committee on Government Reform
U.S. House of Representatives
Washington, D.C. 20515-6215

Dear Mr. Wilson:

Enclosed you will find a list of those persons for whom there are witness interview summaries in connection with Item 2 of the March 22, 2000, subpoena of the House Committee on Government Reform to this Department.

As you and John Tanner have discussed, the names on the list are to remain confidential. Rather than seek all of the interview summaries, you graciously have agreed to review the list and identify specific persons whose interview summaries you wish to review. The prosecutors and the FBI then will review the requested interview summaries for information the release of which would violate Rule 6(e), Federal Rules of Criminal Procedure; relate to an open criminal investigation; or compromise some other legal interest.

We very much appreciate your cooperation in narrowing the focus of the subpoena in this regard. We also appreciate your understanding as to the time necessary to locate documents responsive to the subpoena, and your agreement, subject to later discussion, to review the La Bella and related memoranda under the conditions of confidentiality and no note-taking which this Department long has regarded as essential to the protection of our strong interest in free and frank internal deliberation over criminal prosecutorial decisions. I look forward to continuing to work with you in a spirit of cooperation.

Sincerely,

Robert Raben
Assistant Attorney General

Enclosure

U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

5/10/2000

RE: WACO FLIR REPORT

Director Freeh asked that I deliver this report to your office. Enclosed is the "Executive Summary" and "Conclusion" from a 65 page report by Vector Data Systems that concludes none of the flashes on the Waco FLIR tape are gunfire.

As background, Vector Data Systems is an independent British Company retained by the court to conduct the Waco reenactment at Fort Hood and then do comparisons to the original Waco FLIR tapes taken on 4/19/93.

As a word of caution, this independent analysis by Vector Data is technically not dispositive of the gunfire issue because neither Senator Danforth nor the court has reached their own conclusions. It is without question, however, independent confirmation of the longstanding position of the FBI that no Agent fired their weapons on April 19th except to launch CS ferret gas rounds.

In addition, the report supports the governments' longstanding position that the Davidians not the government started the fires on the 19th.

Any aspect of the enclosed and the full report when received can be used for any public purpose.

A. Robert Walsh
FBI - Legislative Counsel

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BERNARD SANDERS, VERMONT,
INDEPENDENT

April 11, 2000

The Honorable Robert Raben
Assistant Attorney General for Legislative Affairs
United States Department of Justice
Washington, D.C. 20530

Re: Subpoenaed Interview Summaries

Dear Mr. Raben:

I have received your letter of April 7, 2000, enclosing a list of all of the interview summaries responsive to item two of the Committee's subpoena of March 22, 2000. As you know, we have reviewed the list, and have narrowed our request to help the Justice Department provide a prompt response to the subpoena. Please provide the following interview summaries pursuant to the the Committee's subpoena:

1. Alice L. Walton;
2. Ann Frank Lewis;
3. Ann Rittelmeyer Braziel;
4. Ann Walley Hawley;
5. Bernard L. Schwartz;
6. Betty W. Currie;
7. Bradley Marshall;
8. Brian Bailey;
9. Bruce Lindsey;
10. Charles Burson;
11. Cheryl Denise Mills;
12. Cheryl Hall;
13. David Henry Carroll, Jr.;
14. David M. Strauss;
15. David Stephen Goodin;
16. David Strauss;
17. Delores Barr Weaver;
18. Donald Aaron Baer;
19. Donald L. Fowler;
20. Doris M. Meissner;

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

April 12, 2000

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

Dear Mr. Chairman:

This responds to your letters of March 8, March 21, March 27, and March 30, 2000, to Attorney General Reno on the White House email retrieval matters.

On March 23, in connection with a court filing, the Department disclosed that it was conducting a criminal investigation into whether the Executive Office of the President fully complied with subpoenas issued by the Campaign Finance Task Force (the Task Force), and whether persons were threatened with retaliation in order to prevent the existence of the affected emails from becoming known to the Task Force. In addition to this investigation, the Office of Independent Counsel, now headed by Robert Ray, is investigating the email retrieval issues, in coordination with the Task Force. At this stage, we are not in a position to comment about any particular actions that may be undertaken in the course of this investigation. The questions raised in your March 21 letter, regarding who at the Department may have known what and when about the various email retrieval issues, will be a part of this ongoing criminal investigation.

The Department will follow the facts and the law wherever they may lead, and take whatever actions are appropriate based upon the result of this investigation. Also, your letter of March 30, which raises several questions regarding a 1999 declaration filed in the Alexander case by Daniel A. Barry, has been forwarded to the Task Force for its review and consideration in connection with its investigation.

Next, let me address the assertion, contained in several of your recent letters, that the Department operates under a conflict of interest where the Task Force conducts a criminal investigation into the email issues while the Civil Division continues to represent the FBI and the Executive Office of the President in the Alexander litigation. The Department often represents the interests of a governmental entity in civil litigation where an issue presented in that civil case touches upon a pending criminal investigation. If an aspect of an ongoing civil case threatens to duplicate or interfere with the conduct of an ongoing criminal investigation, the Department often seeks to stay that part of the civil case that might duplicate or interfere with the progress of

the criminal investigation. That is precisely the relief the Department sought in the Alexander case, in which the Department asserted that the lawyers in the Civil Division, who had been looking into the email issue, should not proceed with that investigation because it could duplicate or compromise the investigation by the Task Force and the Office of Independent Counsel.

Finally, your letters of March 27 and March 30 raise the question of whether a Special Counsel should be appointed to investigate the email issues and/or the Barry declaration. As noted above, the Office of Independent Counsel already is investigating the email issues in coordination with the Task Force.

The Department is carefully reviewing whether a second outside counsel should be appointed to investigate this matter. We will let you know the conclusion of that review promptly.

Please do not hesitate to contact this me if you would like additional assistance regarding this or any other matter.

Sincerely,

Robert Raben
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

April 12, 2000

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

Dear Mr. Chairman:

This responds to your letter of April 3, 2000, to the Attorney General, in which the Committee seeks interviews with five Department of Justice attorneys, all of whom currently work on the Alexander case. Regrettably, we cannot agree to provide the attorneys identified in your letter for Committee interviews.

First, as we understand it, the Committee seeks to question these lawyers about their tactical and strategic deliberations, their mental impressions and privileged communications with their clients in an ongoing matter, the Alexander case now pending before Judge Lamberth. It would materially undermine the Department's ability to represent the United States and client agencies if Department lawyers were subjected to questioning on sensitive and privileged matters regarding a pending case.

Second, the Committee's proposed inquiry relates directly to an ongoing criminal investigation of the White House email matter, currently underway by the Department of Justice and the Office of Independent Counsel, working in coordination. In the Alexander case, as you know, we recently asked Judge Lamberth to defer an investigation of the White House email issue because of the pendency and primacy of the ongoing criminal investigation into that issue. The same principles that justified the Department's stay request in Alexander also apply to the Committee's request, particularly since the Department attorneys you seek to interview likely will be interviewed by the prosecutors.

Third, the Committee's request also runs counter to the longstanding Department policy that line attorneys and agents not be required to answer questions from Congress about the conduct of Department litigation and investigations. We need to ensure that our line attorneys and agents can exercise the independent judgment that is essential not only to the integrity of law enforcement and effective litigation but also to public confidence in those decisions. These

concerns are heightened when Congress seeks to question Department attorneys or agents about the actions they took and the litigation decisions they made in an ongoing case. As we understand it, that is precisely what the Committee seeks to do with the attorneys identified in your letter.

For these reasons, we cannot make these Department lawyers available to the Committee for interviews. We would appreciate your understanding of our concerns and we are prepared to discuss them further with you if that would be helpful.

Sincerely,

Robert Raben
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

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INDEPENDENT

April 12, 2000

John Tanner, Esq.
Office of Legislative Affairs
United States Department of Justice
Washington, D.C. 20530

Re: Subpoenaed Interview Summaries

Dear Mr. Tanner:

In response to your request of earlier today, I am providing to you a list of Justice Department interview summaries responsive to item two of the Committee's subpoena of March 22, 2000. The list indicates which interviews are a high priority for the Committee, and should give you guidance as you produce interview summaries to the Committee on a rolling basis.

Highest Priority

1. Bradley Marshall;
2. Bruce Lindsey;
3. Cheryl Hall;
4. Cheryl Denise Mills;
5. David M. Strauss;
6. David Strauss;
7. Donald L. Fowler;
8. Heather Marabeti;
9. Heather Marabeti;
10. Jacob Aryeh Swiller;
11. Jacqueline Amy Dycke;
12. John Michael Quinn;
13. Joseph E. Sandler;
14. Karen Lynn Hancox;
15. Kimberly Helen Tilley;
16. Laura Hartigan;
17. Leon Panetta;
18. Lorraine A. Voles;

19. Mack McLarty;
20. Marvin Sanders Rosen;
21. Michelle Peterson;
22. Neil Paul Reiff;
23. Peter Knight;
24. Peter Sage Knight;
25. Richard Lyles Sullivan;
26. Richard S. Morris;
27. Ronald Allen Klain; and
28. Terence R. McAuliffe.

High Priority

1. Ann Frank Lewis;
2. Ann Rittelmeyer Braziel;
3. Charles Burson;
4. Douglas B. Sosnik;
5. Ellen Laughlin Ochs;
6. Erica Payne;
7. Erskine B. Bowles;
8. Erskine Bowles;
9. Evelyn Simonowitz Lieberman;
10. Marla E. Romash;
11. Mickey Kantor;
12. Nancy Virginia Hernreich;
13. Nathan Landow;
14. Paul C. Palmer;
15. Paul Palmer;
16. Roy M. Neel;
17. Scott Pastrick;
18. Scott Pastrick;
19. Skila Sue Harris; and
20. Steven J. Ricchetti.

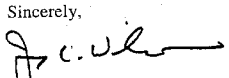
Regular Priority

1. Alice L. Walton;
2. Ann Walley Hawley;
3. Bernard L. Schwartz;
4. Betty W. Currie;
5. Brian Bailey;
6. David Henry Carroll, Jr.;
7. David Stephen Goodin;
8. Delores Barr Weaver;
9. Donald Aaron Baer;

10. Doris M. Meissner;
11. Douglas Edward Schoen;
12. Earl Silbert;
13. Eric Reed Anderson;
14. Farhad Azima;
15. Franklin L. Haney;
16. Gary Walters;
17. Jeffrey Hirschberg;
18. Joel Woody Velasco;
19. Mark Jeffrey Penn;
20. Rashid Ahmad Chaudary;
21. Robert D. Squier;
22. Stephanie Susan Streett;
23. Steven J. Green; and
24. Truman Arnold.

I hope that this prioritized list will assist you in producing these subpoenaed records in a prompt fashion. Please contact me if you have any further questions about this matter.

Sincerely,



James C. Wilson
Chief Counsel

cc: Ken Ballen, Esq., Minority Chief Investigative Counsel

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BERNARD SANDERS, VERMONT,
INDEPENDENT

April 18, 2000

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Re: FBI Interview Summary of Representative Gerald Solomon

Dear General Reno:

I am writing regarding the release by the Justice Department of information from the FBI interview summary of Representative Gerald Solomon. As you may recall, when John Huang testified at the Committee's hearing in December 1999, he gave an opening statement that referred extensively to Rep. Solomon's FBI interview. During that hearing, at the request of Representative Waxman, I made an oral request for the interview summary. The summary was provided to the Committee in less than twenty-four hours, and was discussed at the hearing. The Justice Department's handling of this matter has raised serious questions about the Department's increasing politicization, as well of the judgment of the attorneys on your Campaign Financing Task Force.

In his opening statement at the Committee hearing on December 15, 1999, John Huang made the following statement:

> People seeking publicity have lied about me repeatedly in the press and even before this Committee without consequence. For example, a former Member of this body, Mr. Solomon, in attacking the Administration, accused me of economic espionage on the basis of what I am advised was an anonymous source at a cocktail party, with whom, it turned out, did not even mention my name or do anything other than perpetuate a rumor against an unidentified Asian-American, a rumor which Mr. Solomon was only too eager to embrace and capitalize upon.

It struck me as strange that Mr. Huang knew what Representative Solomon had told the FBI before the Committee had ever received and made public Rep. Solomon's statement. Accordingly, I asked Mr. Huang how he had learned what Rep. Solomon had told the Department. Mr. Huang testified that he was told about Rep. Solomon's

statement by his attorneys. I then asked Ty Cobb, Mr. Huang's attorney, how he had learned what Rep. Solomon had told the FBI. Mr. Cobb stated that attorneys on the Campaign Financing Task Force had told him what Rep. Solomon had told the Department when he was interviewed.

I was troubled to learn that a lawyer on the Campaign Financing Task Force would share the details of Rep. Solomon's statement with John Huang's attorneys. It would be understandable for the Justice Department to ask Mr. Huang to confirm or deny the accusations made by Rep. Solomon. Similarly, it would be understandable to question Mr. Huang about a specific fact or allegation. There is no justification, however, for a Justice Department attorney to share the details of a witness' statement with the target of an investigation. This disclosure by the Campaign Financing Task Force could have no legitimate investigative purpose, and seemed to be designed only to give Mr. Huang a sympathetic anecdote for his opening statement. If my conclusion is accurate, it would represent a new low in the politicization of your Justice Department. However, I am hopeful that you can clarify any misconceptions that I have by providing to the Committee the name of the Justice Department lawyer who provided this information to Mr. Huang's attorney, as well as his justification for doing so.

There is a second aspect of the Department's handling of Rep. Solomon's interview summary that is equally troubling. Several days before the Huang hearings began, lawyers from the Department and the FBI had a lengthy meeting with Committee staff about the Department's refusal to produce FBI interview summaries to the Committee. During the course of that meeting, your staff argued that FBI interview summaries were very sensitive, and that the release of those summaries would adversely impact Justice Department investigations by harming the reputations of the subjects of those interviews, and by chilling individuals from giving interviews to the Department. I respect the arguments made by the Department, and I took them at face value. In fact, I withdrew a number of requests that I had previously made for FBI interview summaries.

You can understand my shock then, when I first learned that your Campaign Financing Task Force had disclosed details of Rep. Solomon's interview to an individual who had been indicted by the Justice Department. Just as troubling, though, was the readiness of the Department to release publicly Rep. Solomon's interview summary. On December 15, when asked by Rep. Waxman, I indicated that I would request the Solomon interview from the Department. The following day, before I had even made a formal request to the Justice Department, a Department staffer appeared at the Committee offices with a copy of the Solomon interview in hand, despite the fact I had not even formally requested it. I then made an oral request for the interview, and it was provided to the Committee immediately.

There have been countless episodes when simple document requests to the Justice Department have waited for weeks while the documents were Bates-numbered, reviewed by multiple layers of bureaucracy, or awaited delivery. Just last week, my staff had

extensive discussions with your staff about the large number of responsive documents that still have not been provided to the Committee pursuant to its subpoenas. For example, on March 22, 2000, I subpoenaed a number of FBI interview summaries, yet, three weeks later, we have not received even one responsive interview summary. In contrast to these consistent delays, the Solomon interview was produced to the Committee with remarkable speed. Indeed, it took less than one day – which is the fastest document production from the Justice Department of which I am aware. As with so many other cases, it appears that the Department's positions are dictated more by political expediency than legal principles or any desire to comply with lawful subpoenas. In this case, it appears that you and your staff cast aside any principled objections that you had to releasing FBI interview summaries so that you could attempt to tarnish the reputation of a widely respected former Member of Congress.

My observations regarding your treatment of FBI 302 interview summaries are also pertinent to your "policies" regarding the testimony of Justice Department line attorneys. While I will write more fully on this subject at a later time, I am concerned that you appear to have embraced a politically biased standard. On one hand, you permit line attorneys to testify when it is politically beneficial, as in the Waco, Rocky Flats, and Peter Lee cases. On the other hand, you have prevented them from testifying when their knowledge is politically embarrassing, as in matters pertaining to the campaign finance investigation. With this in mind, I request that you re-evaluate your decision to prevent the Committee from interviewing Justice Department lawyers involved in the White House e-mail matter.

I have written to you a number of times about the growing politicization of the Justice Department. I pointed out several weeks ago that you refused to provide the Freeh and La Bella memos to Congress, but have tolerated selective leaks of those memos to the press. Your prompt release of the Solomon 302 seems to serve as another example of Justice Department politicization. You sought to avoid providing the FBI interview summaries for the President, Vice President, and other administration officials when their contents were embarrassing for you and your party. You have taken weeks to produce other interview summaries when I subpoenaed them. However, when an FBI interview summary contained a few morsels of information that served your political interests, as well as those of the Clinton Administration, the DNC, and John Huang, you

served them up in less than twenty-four hours. This case appears to be another example of how you have subverted the Justice Department's interests to the political interests of this Administration, and the Democratic Party.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member
Larry Parkinson, Esq., General Counsel, Federal Bureau of Investigation
Craig Iscoe, Esq., Office of the Deputy Attorney General

DAN BURTON, INDIANA,
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ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

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BERNARD SANDERS, VERMONT,
INDEPENDENT

April 19, 2000

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Re: Freeh and La Bella Memoranda

Dear General Reno:

On March 10, 2000, the Committee on Government Reform issued a subpoena for the memoranda drafted by FBI Director Louis Freeh and Task Force Chief Charles La Bella to recommend the appointment of an independent counsel to investigate campaign fundraising matters. On March 21, 2000, you responded to this subpoena, stating that you would not comply with the subpoena, and instead, offered to allow myself and Committee staff to review the memoranda. While I still do not accept any of the explanations you have offered for refusing to comply with the subpoena, I have accepted your offer to review the memoranda. I believe that after my staff and I have had an opportunity to review the unredacted documents and their attachments, I will be in a better position to evaluate your claims.

As you are aware, for the past several weeks my staff has been reviewing five documents provided in response to the Committee's subpoena: the Freeh memorandum; the La Bella memorandum; a review of the La Bella memorandum drafted by Lee Radek; a reply to the Radek document drafted by Mr. La Bella; and a memorandum drafted by James Robinson. When my Chief Counsel first reviewed the La Bella memorandum on March 31, he noticed that two pages – pages 38 and 68 – were missing from the document. He asked one of your staff to locate these pages, and followed up on his request on April 4 and April 7, when he returned to review the documents. It took your lawyers over two weeks to locate the missing pages. When the pages were presented to my staff on April 17, we discovered that page 68 was actually a page from a different draft of the La Bella memorandum. My staff pointed out this discrepancy, and your staff then located a copy of the page 68 that actually came from the correct version of the La Bella memorandum.

The difficulty encountered by your staff in locating page 68 of the La Bella memorandum could ordinarily be dismissed as a minor inconvenience. However, given the fact that the missing page came from the La Bella memorandum, a document of great sensitivity, and the subject of significant disagreement within the Justice Department, these events take on greater significance. First, it appears that there are multiple versions of the La Bella memorandum in existence. If that is the case, the different versions have not been provided for review by Committee staff. Second, the delay in locating the missing pages may indicate that the La Bella memorandum was never closely reviewed by yourself or other Justice Department staff. The copy of the La Bella memorandum reviewed by my staff appears to have been made from your personal copy of the document. Therefore, I have concerns that your original document may have been incomplete. I am hoping that you can dispel my concerns by answering the following questions:

- Where did your staff locate each version of page 68? Where did they locate page 38?
- When did you receive page 68 from the final draft of the La Bella memorandum?
- How many different versions of the La Bella memorandum exist? Were you or anyone else in the Justice Department ever provided with a version of the La Bella memorandum different from the version that my staff has reviewed?

As you may know, the Committee has asked to review a number of documents relating to the Freeh and La Bella memos, including a number of the attachments to those memoranda. While none of those documents have yet been made available to the Committee, I am hopeful that a review of all of these records will allow the Committee to make an informed decision as to how best to enforce its subpoena. To this extent, I ask for your personal efforts to work with your staff to make all of the attachments to the memoranda available for the Committee's review. If indeed there is another version of the La Bella memorandum in the possession of the Justice Department or the FBI, I am hopeful that it also will be made available to the Committee for its review.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

DAN BURTON, INDIANA,
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JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

April 24, 2000

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Re: Interviews of President Clinton and Vice President Gore

Dear General Reno:

I am writing to follow up on a verbal request made earlier today by the Chief Counsel of the Government Reform Committee, James Wilson, to John Tanner of the Office of Legislative Affairs. Mr. Wilson asked Mr. Tanner to provide to the Committee the summaries of the interviews of President Clinton and Vice President Gore, which were conducted last week by the Campaign Financing Task Force. Please have your staff inform my Chief Counsel by 12:00 noon on Tuesday April 25 whether you intend to comply with this request.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

April 24, 2000

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

Dear Mr. Chairman:

This is in further response to your subpoena duces tecum of March 22, 2000. Let me say at the outset that we appreciate the cooperation of Jim Wilson and David Kass of your staff in clarifying the scope of the requests, and in providing certain background details that are speeding our search for these materials. Specifically, it has been helpful for us to confirm that the request is limited to actions and investigations of the Department of Justice during the current administration and, with certain specific exceptions identified by your staff, limited to campaign financing matters. We also appreciate your understanding that the gathering and review of such a large volume of materials requires considerable time, and has extended beyond the deadline set forth in the subpoena.

We continue to work diligently to gather responsive materials. As we have discussed with your staff, production of requested materials involves much more than simply gathering the documents. Each document must be reviewed to determine whether any information in a particular document is covered under Rule 6(e) of the Federal Rules of Criminal Procedure, whether any other statute prohibits or limits the release of any information in a document, or whether release of any information within a document might harm an ongoing investigation. This is a time-consuming but essential process, complicated by the range and scope of such inquiries from various Committees of Congress, and by the limited resources available to and ongoing demands upon the prosecutors and agents of the Campaign Financing Task Force, who must be diverted from their law enforcement duties to review requested documents. We have requested that the prosecutors and agents expedite their review of the materials you have requested, including the interview summaries and the attachments to various memoranda your staff has requested. In addition, we have established a special document review team in order further to expedite production of documents to you and to other Committees.

Set forth below are responses to each of the items in your subpoena. We will supplement our response as additional documents and information become available.

ITEM 1:

All interview summaries for the following individuals:

a.. Leon Panetta;
b. Hillary Rodham Clinton;
c. Richard Sullivan;
d. David Mercer; and
e. Francessa Wakem

RESPONSE:

We expect to provide the requested documents by the close of business today. There is no interview summary for Hillary Rodham Clinton. The remaining documents have been redacted as necessary to comply with Rule 6(e), Federal Rules of Criminal Procedure and to protect ongoing investigations. Because these are law enforcement investigative documents, and because the possibility always exists that a closed investigation may be reopened in light of new evidence, it is important that these documents be treated as confidential, and we appreciate your staff's assurances in this regard.

ITEM 2:

All interview summaries of individuals interviewed as part of the preliminary investigations of whether to appoint an Independent Counsel for the President or Vice President.

RESPONSE:

We particularly appreciate your staff's clarification that this request applies only to preliminary investigations of campaign financing or other specifically identified matters during the current administration. We have identified over 350 persons for whom such witness summaries exist, and have provided a list of these persons to your staff. They, in turn, have identified a smaller group of persons whose interview summaries they would like on a priority basis, and have taken the further helpful step of identifying priorities within that list. This has been most helpful to us. These documents currently are undergoing the Rule 6(e)-open case screening described above. As noted above, we have taken steps to expedite the review of these documents, and will provide copies on a rolling basis as you have requested.

ITEM 3:

All memoranda regarding decisions not to prosecute the following individuals and matters:

a. Charles N. Duncan;
b. James Kallstrom;
c. Jude Kearney;
d. Alfred La Manna;

e. Mark Middleton;
f. Charles Parish;
g. Richard Scruggs;
h. Vote Now '96;
i. Keshi Zhan
j. Potential obstruction of justice by the Vice President or his office with regard to the delayed production of memos prepared by David Strauss regarding campaign fundraising;
k. A potential scheme to defraud by the Democratic National Committee by diverting soft money to hard money accounts;
l. Use of events such as coffees, overnight stays and trips on Air Force One and Two by the White House to raise campaign funds.

RESPONSE:

We have been unable to locate such memoranda with respect to Alfred La Manna and Keshi Zhan, and no such documents appear ever to have been prepared. In addition, it is our understanding that your need for documents respecting James Kallstrom and Richard Scruggs has been satisfied by our response to a separate inquiry. We are continuing our search and analysis respecting Charles N. Duncan and Mark Middleton. There are internal memoranda reflecting the decision not to prosecute as to six items.

As you are aware from earlier discussions and correspondence, the Department of Justice has a long-standing policy against the release of memoranda that discuss the reasons for declining to prosecute a particular individual. This policy reflects the strong institutional interest in free and frank discussion by advisors within the Department as part of a sound decision-making process and in the privacy interests of individuals who have not, after all, been charged with any crime. At the same time, we are well aware of the legitimate need of Congress for information necessary to its legislative and oversight responsibilities.

Accordingly, we respectfully request that you accept our offer of a briefing on each of the six matters. Such briefings have been a regular part of the accommodation of the legitimate governmental needs of the legislative and executive branches from administration to administration and from Congress to Congress. We have provided such briefings to your Committee on a number of matters, and have been able thereby to satisfy your need for oversight information; indeed, such briefings allow an opportunity for questions and fruitful discussion beyond the four corners of memoranda themselves. We are prepared to gather the appropriate personnel, including personnel now outside of Washington, to make such briefings as productive as possible. In any event, we feel confident that such briefings will significantly narrow the range of issues which may remain to be resolved. We understand, of course, that acceptance of such briefings will not prejudice your right to request further information.

ITEM 4:

All document requests and subpoenas issued by the Department of Justice Campaign Financing Task Force to the following entities:

a.. Executive Office of the President

b. The White House
c. Democratic National Committee
d.. Democratic Congressional Campaign Committee
e. Democratic Senatorial Campaign Committee
f. Republican National Committee
g. Republican Congressional Campaign Committee
h. Republican Senatorial Campaign Committee

RESPONSE:

Attached you will find document requests responsive to your subpoena. We are unable, however, to provide copies of subpoenas or correspondence directly related to subpoenas. Disclosure of information as to any subpoena is prohibited by Rule 6(e) of the Federal Rules of Criminal Procedure. By its terms, Rule 6(e) prohibits "an attorney for the government" from any disclosure of "matters occurring before the grand jury." Any such disclosure is punishable as a contempt of court. All grand jury subpoenas are such "matters occurring before the grand jury," and, indeed, each such subpoena is specifically approved by the grand jury. Accordingly, we are prohibited from complying with your request for information as to subpoenas and correspondence respecting such subpoenas.

ITEM 5:

All records regarding the decision to limit the subject matter of the Campaign Financing Task Force's interviews of the President and Vice President.

RESPONSE:

While there was the normal consideration of how to make the interviews as effective as possible, as we have advised your staff, no limits were imposed on the subject matter of the Campaign Financing Task Force's interviews of the President and Vice President. Accordingly, there do not appear to be any records responsive to this item as we understand your request.

There was correspondence with counsel concerning the interviews and areas to be covered, and copies of such correspondence concerning closed investigations are enclosed. We decline to provide any documents that touch on ongoing investigations, including documents concerning the interviews last week of the President and Vice President. It long has been the settled position of this Department that apart from our concern about the potential to politicize federal law enforcement, the disclosure of materials related to ongoing criminal investigations would compromise our law enforcement efforts and seriously undermine any prosecution.

ITEM 6:

All records relating to any plan or effort by the Campaign Financing Task Force or the FBI to arrest General Ji Shengde.

RESPONSE:

As we have advised your staff, we have not located any responsive records and, to the best of our knowledge, none exist.

ITEM 7:

All records from the Office of the Attorney General, Deputy Attorney General, or Associate Attorney General, relating to Rebekah Poston, Soka Gakkai, or Nobuo Abe (a.k.a. Nikken Abe, a.k.a. Shinno Abe).

RESPONSE:

We particularly appreciate your staff's clarification of the subject matter to which this item is related so as to allow us to focus our search for responsive documents. We have been informed, however, that a fire has occurred in the facility in which archived files of relevant former employees are stored, so that our efforts to locate responsive documents has been delayed. In order to provide you with information in a timely manner, we have made an effort to reconstruct the records of the offices identified in the subpoena from other records and those documents are enclosed. We will provide any additional responsive documents from the archives as soon as they are available.

Again, we appreciate your cooperation and that of Mr. Wilson and Mr. Kass. We look forward to continuing to work closely with you.

Sincerely,

Robert Raben
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

Subpena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Department of Justice....Serve: Attorney General Janet Reno.....

You are hereby commanded to produce the things identified on the attached schedule before the .....Full..... Committee on ....Government Reform..... of the House of Representatives of the United States, of which the Hon. Dan Burton..... ..... is chairman, by producing such things in Room ....2157..... of the .....Rayburn..... Building ....., in the city of Washington, on ...May 2nd, 2000....., at the hour of ....5:00PM.....

To .....Maria Pia Tamburri.....

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this .....25th. day of ..April....., ~~19~~ 2000

Dan Burton
.....
Chairman.

Attest:

Jeff Trandahl
.....
Clerk.

Subpena for..Department of Justice.....

.Serve:..Attorney General Janet Reno..

..Tenth Street & Constitution Avenue, NW

.Washington, DC 20530.....

before the Committee on the.....

...Government Reform.....

.....

Served TO: Robert Raben

BY: Maria Fia Tambourri

DATE: 4/25/00 TIME: 2:00 PM

via facsimile and First Class Mail

.....

.....

.....House of Representatives

SCHEDULE A

Subpoena Duces Tecum
Government Reform Committee
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

United States Department of Justice
Serve: Attorney General Janet Reno
Tenth Street & Constitution Avenue N.W.
Washington, D.C. 20530

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions, please contact Chief Counsel James C. Wilson at (202) 225-5074.

Definitions and Instructions

(1) For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

(2) For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

(3) This subpoena calls for the production of records, documents and compilations of data

and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

(4) The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

(5) No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

(6) If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

(7) When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by data, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

(8) This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

Subpoenaed Items

Produce to the Committee all records relating to the interviews of President Clinton and Vice President Gore conducted in April 2000 by the Campaign Financing Task Force.

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

April 25, 2000

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

Dear Mr. Chairman:

This is in response to your letter of April 24, 2000, requesting "summaries of the interviews of President Clinton and Vice President Gore, which were conducted last week by the Campaign Financing Task Force."

The interviews that occurred only last week relate to an open investigation. Disclosure of matters involving an open investigation would hurt that investigation and seriously interfere with the efforts of career prosecutors and career FBI agents to enforce federal law. We previously have provided witness summaries of interviews of President Clinton and Vice President Gore relating to closed investigations. We also have provided to you and are continuing to provide a number of documents which, by agreement and in keeping with the needs of law enforcement, have been redacted to delete information relating to open investigations, as well as necessary deletions for grand jury secrecy and other requirements of federal law. We will continue to provide information relating to closed cases on this same basis in the future, but we cannot accommodate your request of April 24, 2000 at this time, because it would compromise federal law enforcement.

We appreciate your understanding of our law enforcement interests relating to this matter. Please do not hesitate to contact me if you would like additional information or assistance.

Sincerely,

Robert Raben
Assistant Attorney General

DAN BURTON, INDIANA
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
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ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

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WASHINGTON, DC 20515–6143

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JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

April 26, 2000

The Honorable Robert Raben
Assistant Attorney General for Legislative Affairs
United States Department of Justice
Washington, D.C. 20530

Dear Mr. Raben:

I am writing to invite you to testify at a hearing of the Committee on Government Reform on May 3, 2000. The hearing is entitled "White House E-Mails: Mismanagement of Subpoenaed Records -- Day Three." Pursuant to Committee practice, I will issue a subpoena for your attendance at the hearing. The hearing will take place at 10:00 a.m. in room 2154 of the Rayburn House Office Building.

Given the fact that the last time you appeared before the Committee, you were not prepared to answer a number of very basic questions about this matter, I am providing you with a list of subjects that may come up at the hearing. Please be prepared to discuss these subjects with the members of the Committee:

- The legal basis for, and propriety of, the joint investigation of the White House e-mail matter being conducted by the Office of Independent Counsel and the Campaign Financing Task Force.

- When any personnel in the Justice Department first became aware of the fact that the White House ARMS system was not properly archiving e-mail messages.

- The identity of Justice Department personnel who assisted Daniel A. Barry in preparing his July 9, 1999, affidavit in *Alexander v. FBI.*

- The refusal of the Justice Department to provide Justice Department Civil Division attorneys to the Committee for interviews.

- Why the President and Vice President were interviewed by the Campaign Financing Task Force after significant prosecutions had already been brought.

- Whether all questions asked of the President and Vice President relate to ongoing investigations.

- The Justice Department's justification for refusing to provide copies of the Clinton and Gore interview summaries to the Committee, including the status and nature of any ongoing investigations relating to those interviews.

- The basis for the Justice Department's recent assertion that "no limits were imposed on the subject matter of the Campaign Financing Task Force's interviews of the President and Vice President."

- The Justice Department's justification for refusing to provide declination memoranda in response to Committee subpoenas.

- The status of the Justice Department's decision whether to appoint a special counsel to investigate the White House e-mail matter.

- At a July 15, 1999, meeting between Committee staff and Justice Department personnel regarding the perjury referral of Cheryl Mills, John Keeney was asked about a passage in the book *Shadow* by Bob Woodward. The passage indicated that White House Counsel Jack Quinn was assured by Justice Department personnel that he would never be prosecuted if he were held in contempt by the House of Representatives. Mr. Keeney's response was that the "claim is so ridiculous that it is not worth investigating." I would like to ask you about Mr. Woodward's claim, and Mr. Keeney's response.

If you wish to make an opening statement, it is requested that you provide 100 copies of your written testimony to the Committee no later than 24 hours prior to the time of the hearing. Also, to facilitate printing of the hearing record, you should also provide a computer disk containing a copy of your written testimony. At the hearing, we ask that you summarize your testimony in five minutes to allow maximum time for discussion and questions. Under the Congressional Accountability Act, the House of Representatives must be in compliance with the Americans with Disabilities Act. Persons requiring special accommodations should contact Lisa Smith Arafune at (202) 225-5074 at least four business days prior to the hearing.

Please contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074 if you have any questions or need additional information about the hearing. We look forward to your testimony.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: Henry A. Waxman, Ranking Minority Member

DAN BURTON, INDIANA,
CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
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PAUL RYAN, WISCONSIN
HELEN CHENOWETH-HAGE, IDAHO
DAVID VITTER, LOUISIANA

ONE HUNDRED SIXTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

MAJORITY (202) 225–5074
MINORITY (202) 225–5051
TTY (202) 225–6852

HENRY A. WAXMAN, CALIFORNIA,
RANKING MINORITY MEMBER
TOM LANTOS, CALIFORNIA
ROBERT E. WISE, JR., WEST VIRGINIA
MAJOR R. OWENS, NEW YORK
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DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
HAROLD E. FORD, JR., TENNESSEE
JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

April 28, 2000

The Honorable Robert Raben
Assistant Attorney General
Office of Legislative Affairs
Department of Justice
10th and Constitution Avenues, N.W.
Washington, D.C. 20530

Dear Mr. Raben:

I write in response to your letter of April 24, 2000, regarding the Committee's March 22, 2000, subpoena. Several aspects of your letter troubled me. In particular, I would like to explain my concerns with the manner in which you responded in the following areas: the James Kallstrom and Richard Scruggs declination memos; the Department's long-standing policy on declination or prosecution memos generally; and records regarding the decision to limit the subject matter of the Campaign Financing Task Force's (Task Force) interviews with the President and Vice President.

In an effort to determine where you might possibly have gotten the idea that the Committee is not interested in obtaining the Richard Scruggs and James Kallstrom declination memos, I spoke with all of my staff members who might have had a conversation with your staff regarding the declination memos. I found that one of the Committee's Senior Counsels discussed the production of the OPR and Colgate memoranda relating to Scruggs and Kallstrom with Faith Burton of the Office of Legislative Affairs. Committee Counsel stressed to Ms. Burton that their discussions pertained only to the OPR and Colgate memoranda, and did not relate in any way to the declination memos, which were under separate subpoena. I can only infer that Ms. Burton passed along an erroneous understanding of the conversation to you or others, who then determined, without contacting the Committee, that we would have no need for the declination memos. That is not the case. As you are aware, this is not the first time – nor are we the first Congressional Committee – to have this type of problem originate in Ms. Burton's office. The Committee expects that both the Scruggs and Kallstrom declination memoranda will be produced in the same manner as the others requested.

As for the general issue of the production of declination or prosecution memoranda, you state in your letter: "[a]s you are aware from earlier discussions and correspondence, the

Department of Justice has a long-standing policy against the release of memoranda that discuss the reasons for declining to prosecute a particular individual." I appreciate the recitation of your understanding of the Department's "long-standing policy," however, it is rather disingenuous when this very Committee received both declination and prosecution memoranda from the Department of Justice during prior investigations. Nevertheless, the Committee appreciates that the Department has concerns with producing such memoranda, and wants to be accommodating to those concerns. Therefore, the Committee would agree to first review all of the declination memoranda prior to making any determination of whether the Committee actually needs to maintain copies. This was the procedure used just last year, when the Department allowed Committee staff to review a number of declination memos relating to Charles Intriago. I believe that this is the best manner in which to balance both the Committee's and the Department's interests.

The final matter I would like to raise is your response to Item 5 of the subpoena, which requested all records regarding the decision to limit the subject matter of the Task Force's interviews of the President and Vice President. You stated that, "no limits were imposed on the subject matter of the Campaign Financing Task Force's interviews of the President and Vice President." It is clear, however, that the interviews of the President and Vice President covered a very narrow range of issues that were the subject of preliminary investigations under the independent counsel statute. The statement in your April 24, 2000, letter gives the impression that the Task Force lawyers were free to pursue any line of questioning with the President and Vice President, and either chose not to, or forgot to ask questions regarding foreign money. This statement is somewhat difficult to believe. In fact, Charles La Bella, the former head of the Task Force, spoke about the November 1997, interview of the President. He stated, "it was the Attorney General's decision that it would be a focused interview." The Justice Department has many fine lawyers and it defies credulity to argue that it took three years to ask the President about foreign money, or the Vice President about the Hsi Lai Temple. It is similarly difficult to believe that no records exist regarding the decision to limit the interviews to certain subjects.

I appreciate your attention to the matters that I have raised. If you have any questions, please contact Chief Counsel James C. Wilson at (202) 225-5074.

Sincerely,

Dan Burton

Dan Burton
Chairman

DAN BURTON, INDIANA
CHAIRMAN
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ONE HUNDRED SIXTH CONGRESS

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JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

May 1, 2000

Robert J. Conrad
Supervising Attorney
1400 New York Avenue, NW
6th Floor
Washington, D.C. 20530

Dear Mr. Conrad:

Pursuant to Rules X and XI of the House of Representatives, the Committee on Government Reform has been conducting an investigation into campaign finance abuses. As part of its investigation, the Committee is examining the Department of Justice's supervision of the Campaign Financing Task Force's (Task Force) investigation, as well as the indictments and cases brought by the Task Force. In examining those issues, it came to our attention that several of the cases brought by the Task Force in the United States District Court for the District of Columbia bypassed the normal random case assignment process and were specially assigned by Chief Judge Norma Holloway Johnson.

As part of its investigation, the Committee would like to know whether any of the prosecutors or staff on the Task Force requested that any of the criminal cases brought in the United States District Court for the District of Columbia be specially assigned or treated as a related case. If so, indicate who made the request, to whom the request was directed, and the case involved. Should you determine that no individuals on the Task Force made such a request, the Committee requests that you provide a response to that effect in writing.

Please provide your response to the Committee's request by Friday, May 5, 2000. If you have any questions, please contact Senior Counsel Kristi L. Remington at (202) 225-5074. Thank you for your assistance in this matter.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman

U.S. Department of Justice

Office of Legislative Affairs

Washington, D.C. 20530

May 2, 2000

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

Dear Mr. Chairman:

This is in continuing response to your subpoena of March 22, 2000, and in response to your letter of April 28, 2000.

We regret the misunderstanding concerning your continuing interest in the declination memoranda concerning James Kallstrom and Richard Scruggs included in Item 3 of the subpoena. We have offered the Committee staff briefings about the declination decisions. Such briefings often have proved valuable and successful accommodations of the congressional need for information for oversight purposes. In a conversation this afternoon, Committee staff indicated that they prefer to move directly to access to the memoranda. We will confer further with them in order to resolve this matter in a way that accommodates both the Committee's needs and the Department's concerns.

There has been some confusion over Item 5 of your March 22, 2000, subpoena and we appreciate your clarification that it includes decisions of the Campaign Financing Task Force themselves to focus on certain subject areas. It is our understanding that the Task force lawyers were in fact free to pursue any line of questioning with the President and Vice President. We remain unaware of any external constraints or limits on that questioning. It is also the case that the Task Force, consistent with what I understand to be common prosecutorial practice, did determine to limit questioning in each of the interviews to particular subject areas. The correspondence between the Vice President's personal counsel and the Department which we produced in our initial response do constitute "records ... regarding the decision to limit the interviews to certain subjects" as indicated in your letter. We will supplement our response to Item 5 after reviewing documents which may be responsive. We also are providing herewith a copy of an additional letter responsive to Item 5 of your subpoena.

We appreciate the opportunity to clarify these points.

Sincerely,

Robert Raben by JT

Robert Raben
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

November 4, 1998

BY HAND

David E. Kendall, Esq.
Williams & Connolly
725 Twelfth Street, N.W.
Washington, DC 20005

Re: Interview of the President

Dear Mr. Kendall:

As we have previcusly mentioned, we anticipate reviewing several documents with the President during next week's interview. In order to expedite the interview, we are enclosing with this letter copies of documents we may wish to review with the President as well as other documents that may be relevant to refreshing the President's recollection concerning the 1995-96 DNC-funded issue advocacy media campaign. In further preparing for the interview, we may identify additional documents we wish to ask questions about, and to the extent we can provide you with copies beforehand, we will.

Sincerely yours,

Robert J. Meyer

Robert J. Meyer
Kirby A. Heller
Criminal Division
U.S. Department of Justice
P.O. Box 27518
McPherson Station
Washington, DC 20038

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

May 2, 2000

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

Dear Mr. Chairman:

This is in response to your letter of April 19, 2000, concerning the memorandum of Charles La Bella. As you indicate in your letter, this Department has made available to you and your staff the La Bella memorandum in response to your March 10, 2000 letter. During the course of review of the document, it became apparent that there were two versions of the La Bella memorandum.

Based on recent discussions with Mr. La Bella, we understand that he created two slightly different versions of the memorandum in order to assist in the identification of any leak of the memorandum. Mr. La Bella intentionally made a number of minor, non-substantive, variations in wording throughout the memorandum. He provided one version to the Attorney General and the other to Director Freeh, and additional distribution copies within the two offices were made from these respective versions. Mr. La Bella did not inform Department or FBI officials of the differences between the two memos. According to Mr. La Bella, and based on our own examination of the document, none of these variations affected the meaning of the memorandum. For example, at one point one version of the memorandum uses the term "vis-a-vis," and the other uses "concerning."

A copy of the FBI version is available for review by you and your staff so that you can, if you wish, study the two documents side-by-side.

As your letter notes, the fact that there were two memoranda came to light because two pages were missing from the copy initially provided for your review. We regret that the pages were missing and any delay in providing a complete document. As you are aware, the document has been made available to your Committee and other Committees on a number of occasions over the past two years, and the documents have been copied to reflect changes in the state of the

law regarding Rule 6(e) of the Federal Rules of Criminal Procedure and the narrowing scope of open investigations. It appears that this process resulted in the omission of two pages from the copy initially made available to you and your staff, and we are pleased that the documents are now complete. Of course, as we have assured your staff, the complete memorandum was provided to the Attorney General.

We trust that this letter addresses your concerns regarding the memorandum.

Sincerely,

Robert Raben
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

Office of the Attorney General
Washington, D. C. 20530

May 3, 2000

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

Dear Mr. Chairman:

This responds to your subpoena, received on April 25, 2000, seeking Department records relating to the interviews of the President and Vice President taken about two weeks ago by representatives of the Department's Campaign Financing Task Force.

The Department has previously provided the Committee with the summaries of the interviews of the President and the Vice President from past years that were part of closed investigations. The interviews of the President and the Vice President that the Task Force conducted two weeks ago were part of its ongoing investigations. Based on the Department's longstanding policy of declining to provide congressional committees with access to open law enforcement files, we must decline to provide the requested material. The Department's policy is based on our firm belief that the Department's ability to discharge its responsibilities for the fair administration of justice would be compromised by the disclosure to Congress of open investigative files. We have long believed that both the integrity of the criminal justice process and the Government's ability to prevail in particular prosecutions would be threatened by acceding to congressional requests of this kind. Almost sixty years ago Attorney General Robert H. Jackson informed Congress that:

> It is the position of the Department, restated now with the approval of and at the direction of the President, that all investigative reports are confidential documents of the executive department of the Government, to aid in the duty laid upon the President by the Constitution to "take care that the Laws be faithfully executed," and that congressional or public access to them would not be in the public interest . . . .

40 Op. Att'y. Gen. 45, 46 (1941). Moreover, Attorney General Jackson's position was not new. His letter cited prior Attorney

General letters taking the same position dating back to the beginning of the century (id. at 47-48).

The disclosure of the records of such recent interviews is of particular concern because revealing information, especially the questions posed in the interviews, could disclose significant aspects of our ongoing campaign finance investigations which include multiple matters. No prosecutor would want other witnesses to have the benefit of these witness interviews. The investigations would be seriously prejudiced by the revelation of the direction of the investigations or information about the evidence that the prosecutors have obtained. As Attorney General Jackson observed:

> Disclosure of the [law enforcement] reports could not do otherwise than seriously prejudice law enforcement. Counsel for a defendant or a prospective defendant, could have no greater help than to know how much or how little information the Government has, and what witnesses or sources of information it can rely upon. This is exactly what these reports are intended to contain.

40 Op. Atty. Gen. at 46.

The rationale for the Department's open law enforcement files policy is set forth in a published opinion of the Office of Legal Counsel issued by Charles J. Cooper, OLC's Assistant Attorney General during part of the Reagan Administration. See Response to Congressional Requests for Information Regarding Decisions made Under the Independent Counsel Act, 10 Op. O.L.C. 68, 76-77 (1986). In addition to addressing the concerns discussed above, Mr. Cooper noted in his opinion that providing a congressional committee with confidential information about active criminal investigations would place the Congress in a position to exert pressure or attempt to influence the prosecution of criminal cases. 10 Op. O.L.C. at 76. Congress could second-guess tactical and strategic decisions, challenge witness interview schedules and the scope and nature of our questioning of witnesses, and generally attempt to influence the conduct and outcome of the criminal investigation. Such a practice would significantly damage law enforcement efforts and shake public and judicial confidence in the criminal justice system. Decisions about the course of a criminal investigation must be made without reference to political considerations. As one Justice Department official noted thirty years ago,

> Over a number of years, a number of reasons have been advanced for the traditional refusal of the Executive to supply Congress with information from open

> investigative files. Most important, the Executive cannot effectively investigate if Congress is, in a sense, a partner in the investigation. If a congressional committee is fully apprised of all details of an investigation as the investigation proceeds, there is a substantial danger that congressional pressures will influence the course of the investigation.

Memorandum for Edward L. Morgan, Deputy Counsel to the President, from Thomas E. Kauper, Deputy Assistant Attorney General, Office of Legal Counsel, Re: Submission of Open CID Investigation Files 2 (Dec. 19, 1969). In addition, the reputation of individuals mentioned in this kind of document could be severely damaged by the public release of information about them, even though the case might ultimately not warrant prosecution.

The Committee's request for the records of the interviews of the President and Vice President taken two weeks ago in connection with our ongoing investigations is clearly distinguishable from the Committee's prior request for the records of the interviews of the President and Vice President taken in past years. The Department was able to accommodate the prior request because at that time the investigations of which those interviews were a part had been closed and we identified no potential harm to any ongoing investigations from the disclosure of the records. As discussed above, significant harm to ongoing investigations would result from the disclosure of the records of the recent interviews.

In summary, the Department must decline to provide the requested documents relating to the recent interviews of the President and Vice President. Public and judicial confidence in the criminal justice process would be undermined by the congressional intrusion into ongoing criminal investigations that congressional access to this investigative information pursuant to the Committee's subpoena would represent. Moreover, disclosure at this juncture of the aspects of the open investigations that is revealed by the investigators' questioning at these interviews would unquestionably risk compromise to the pending investigations and possible future prosecutions. I respectfully request that you withdraw the Committee's subpoena

TOTAL P.05

in order to protect our law enforcement interests. As always, I would be happy to discuss this matter with you further if that would be helpful.

Sincerely,

Janet Reno

cc: The Honorable Henry Waxman
Ranking Minority Member

Subpena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To Department of Justice....Serve: Attorney General Janet Reno.....

You are hereby commanded to produce the things identified on the attached schedule before the .....Full..... Committee on .....Government Reform..... of the House of Representatives of the United States, of which the Hon. Dan Burton..... ..... is chairman, by producing such things in Room ...2157..... of the Rayburn ..... Building ....., in the city of Washington, on .....May 17th, 2000....., at the hour of .....5:00PM.....

To .....Maria Pia Tamburri or the US Marshal Service.....

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 3rd day of May, 2000

.....
Chairman.

Attest:

.....
Clerk.

Subpena for... Department of Justice Serve: Attorney General Janet Reno

Tenth Street and Constitution Avenue, NW

Washington, DC 20530

before the Committee on the.....

Government Reform

Served by: Maria Tamburri

TO: John Tanner

12:10pm 5/3/00

via facsimile & first class mail

.....House of Representatives

SCHEDULE A

Subpoena Duces Tecum
Government Reform Committee
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

United States Department of Justice
Serve: Attorney General Janet Reno
Tenth Street & Constitution Avenue N.W.
Washington, D.C. 20530

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions, please contact Chief Counsel James C. Wilson at (202) 225-5074.

Definitions and Instructions

(1) For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

(2) For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

(3) This subpoena calls for the production of records, documents and compilations of data

and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

(4) The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

(5) No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

(6) If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

(7) When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by data, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

(8) This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

Subpoenaed Items

Please provide the Committee with the following records:

1. All formal memoranda that were sent to the Attorney General or senior Justice Department officials in connection with decisions involving the application of the Independent Counsel Act to campaign finance-related matters, including memos that address the Independent Counsel Act-related aspects of the Freeh and La Bella memoranda.

2. All records from the Office of Information and Privacy relating to Rebekah Poston, Soka Gakkai, or Nobuo Abe (a.k.a. Nikken Abe, a.k.a. Shinno Abe).

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

May 16, 2000

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

Dear Mr. Chairman:

This letter is in continuing response to your subpoena of May 3, 2000. Enclosed are materials related to Item 2 of your subpoena, Bates numbers DOJ-02802 through DOJ-03012. Also, additional documents responsive to Item 1 of the above referenced subpoena are available for review in our offices.

Please contact me if you have any additional questions concerning this matter.

Sincerely,

Robert Raben
Assistant Attorney General

Enclosures

cc: The Honorable Henry Waxman
Ranking Minority Member

U.S. Department of Justice

Office of Legislative Affairs

Washington, D.C. 20530

May 17, 2000

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

Dear Mr. Chairman:

This is in continuing response to your subpoenas of March 22, 2000 and May 3, 2000. Enclosed are materials (Bates numbered DOJ-03013 - 03136; DOJ-03271 - 03314) which complete our response to Item 7 of your March 22 subpoena. Also, additional memoranda responsive to your May 5, 2000 subpoena are available for review.

Please contact me if you have any additional questions concerning this matter.

Sincerely,

Robert Raben
Assistant Attorney General

Enclosures

cc: The Honorable Henry Waxman
Ranking Minority Member

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

May 19, 2000

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

Dear Mr. Chairman:

This responds to the Committee's outstanding questions from the Committee's hearing on May 3rd regarding White House e-mail issues. I request that this response be entered into the hearing record.

Many Independent Counsels have worked closely with the Department of Justice on various matters. The Act contemplated and encouraged consultation with the Department about the Departmental policies and practices. Where factual matters overlap, the Department and an OIC have frequently worked closely together to avoid duplicating or impeding the work of each other. See United States v. Wilson, 26 F.2d 142 (D.C. Cir. 1994) (joint prosecution by OIC and a U.S. Attorney's Office authorized by Independent Counsel Act).

In this particular instance, the OIC explicitly authorized the Department to continue investigation of the White House e-mail matter pursuant to the provisions of the Ethics in Government Act. See 28 U.S.C. 597(a). The current investigations by the OIC and the Campaign Financing Task Force are being conducted "cooperatively" but not "jointly." There are built-in protections for both the OIC and the Department relating to the investigation. For example, although there have been joint interviews where it was in the mutual interests of the Office of the Independent Counsel and the Task Force, each office makes its own investigative and prosecutorial judgments. Additionally, by agreement, neither agency can take any investigative action that would impair the ability of the other to fulfill its investigative mandate. This would include, for example, immunizing a witness or otherwise entering into an arrangement with a witness to secure his/her cooperation.

You asked several questions bearing on whether the Department has provided assistance to the White House in connection with the Committee's hearings on the email matter. Specifically, you asked whether the White House consulted the Office of Legal Counsel (OLC) regarding claims of privilege with respect to documents the White House initially withheld but then produced to the Committee on May 2nd. I am informed that the answer to that question is "no." The White House did not request, and OLC did not provide, any assistance with respect to the White House's response to the Committee's request for those documents. The White House

did request other assistance from OLC prior to one hearing. In response, OLC provided the White House with pre-existing documents and general information about historical precedents and policies that guide the executive branch when it responds to congressional oversight. OLC did not provide advice regarding the application of the precedents and policies to specific facts or circumstances or how to respond to particular requests for documents or testimony. Lastly, the Department did not authorize Jason Baron or any other Civil Division attorney to assist the White House in connection with these hearings.

With respect to Congressman Barr's question regarding the benefit to the Department of discussions with counsel for the President and the Vice-President concerning their witnesses' up-coming interviews, pre-interview communications about the general areas of anticipated questioning occur often during white-collar criminal investigations to ensure that the witness is focused and prepared. Analogous to your letter to me in advance of my recent testimony before your Committee (in which you identified various subject matters you wanted to explore during the hearing), the Department's communication to a witness in advance of an interview can enable the questioning to proceed more efficiently and productively. I am informed, however, that there was no "deal" with either the President or Vice President that prohibited questions on a topic that had not been previously identified.

I hope that this information is helpful. Please do not hesitate to contact me if you would like additional assistance regarding this or any other matter.

Sincerely,

Robert Raben

Robert Raben
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

May 19, 2000

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

Dear Mr. Chairman:

This responds to the Committee's outstanding questions from the Committee's hearing on May 3rd regarding White House e-mail issues. I request that this response be entered into the hearing record.

Many Independent Counsels have worked closely with the Department of Justice on various matters. The Act contemplated and encouraged consultation with the Department about the Departmental policies and practices. Where factual matters overlap, the Department and an OIC have frequently worked closely together to avoid duplicating or impeding the work of each other. See United States v. Wilson, 26 F.2d 142 (D.C. Cir. 1994) (joint prosecution by OIC and a U.S. Attorney's Office authorized by Independent Counsel Act).

In this particular instance, the OIC explicitly authorized the Department to continue investigation of the White House e-mail matter pursuant to the provisions of the Ethics in Government Act. See 28 U.S.C. 597(a). The current investigations by the OIC and the Campaign Financing Task Force are being conducted "cooperatively" but not "jointly." There are built-in protections for both the OIC and the Department relating to the investigation. For example, although there have been joint interviews where it was in the mutual interests of the Office of the Independent Counsel and the Task Force, each office makes its own investigative and prosecutorial judgments. Additionally, by agreement, neither agency can take any investigative action that would impair the ability of the other to fulfill its investigative mandate. This would include, for example, immunizing a witness or otherwise entering into an arrangement with a witness to secure his/her cooperation.

You asked several questions bearing on whether the Department has provided assistance to the White House in connection with the Committee's hearings on the email matter. Specifically, you asked whether the White House consulted the Office of Legal Counsel (OLC) regarding claims of privilege with respect to documents the White House initially withheld but then produced to the Committee on May 2nd. I am informed that the answer to that question is "no." The White House did not request, and OLC did not provide, any assistance with respect to the White House's response to the Committee's request for those documents. The White House

did request other assistance from OLC prior to one hearing. In response, OLC provided the White House with pre-existing documents and general information about historical precedents and policies that guide the executive branch when it responds to congressional oversight. OLC did not provide advice regarding the application of the precedents and policies to specific facts or circumstances or how to respond to particular requests for documents or testimony. Lastly, the Department did not authorize Jason Baron or any other Civil Division attorney to assist the White House in connection with these hearings.

With respect to Congressman Barr's question regarding the benefit to the Department of discussions with counsel for the President and the Vice-President concerning their witnesses' upcoming interviews, pre-interview communications about the general areas of anticipated questioning occur often during white-collar criminal investigations to ensure that the witness is focused and prepared. Analogous to your letter to me in advance of my recent testimony before your Committee (in which you identified various subject matters you wanted to explore during the hearing), the Department's communication to a witness in advance of an interview can enable the questioning to proceed more efficiently and productively. I am informed, however, that there was no "deal" with either the President or Vice President that prohibited questions on a topic that had not been previously identified.

I hope that this information is helpful. Please do not hesitate to contact me if you would like additional assistance regarding this or any other matter.

Sincerely,

Robert Raben

Robert Raben
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

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ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

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JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

May 19, 2000

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Re: Committee Hearing Scheduled for May 25

Dear General Reno:

As you are certainly aware, last night the Associated Press described a memo drafted by FBI Director Louis Freeh in December 1996. According to the news article, the Freeh memo stated that:

- Public Integrity Section Chief Lee Radek told Deputy FBI Director William Esposito that he was "under a lot of pressure not to go foward with the investigation;"
- Mr. Radek believed that your job "might hang in the balance;" and
- Director Freeh met with you to tell you that, on the basis of Mr. Radek's comments, you both should step aside from the investigation into illegal fundraising activities.

Today, my staff had the opportunity to review a copy of this memo, and confirmed the basic accuracy of the Associated Press account.

Since 1997, the Government Reform Committee has been conducting an oversight investigation into the Justice Department's implementation of the Independent Counsel Act and the Department's handling of the campaign fundraising investigation. Over the course of this investigation, the Committee has repeatedly uncovered evidence that has shaken our confidence in the Department's performance on both fronts. This latest revelation adds to the growing body of evidence that the Department has failed to apply properly the Independent Counsel Act and badly mishandled the campaign fundraising investigation.

I have scheduled a hearing for Thursday, May 25, to receive testimony about this incident. I intend to issue subpoenas to Mr. Radek and to Mr. Esposito to testify. I also intend to issue a subpoena for Deputy Attorney General Eric Holder to appear before the Committee and produce documents that have, to date, been withheld from the Committee.

Despite all of the evidence demonstrating a clear need for Congressional oversight, the Department has refused to comply fully with lawful Congressional subpoenas for documents related to your handling of independent counsel decisions. You were held in contempt by the Committee in August 1998 for your refusal to produce to the Committee the Freeh and La Bella memoranda calling for the appointment of an independent counsel. I issued a new subpoena for the Freeh and La Bella memos, along with related memoranda, on March 10 of this year. Although you have allowed staff to review the documents in Justice Department offices, you have refused to produce them to the Committee as required, and Members of Congress have been denied access to these memoranda. Along the same lines, you have allowed staff to review the December 10 Freeh memo in Justice Department offices, but have refused to provide a copy to the Committee.

The evaluation of these documents has made clear that the current procedures for their review are no longer satisfactory, and that the Committee has a compelling need for them. The Committee must have possession of these documents to fulfill our oversight responsibilities. Your refusal to produce these documents to the Committee is obstructing the Committee's oversight process, and is no longer tolerable, particularly in light of the fact that the memoranda and related documents recently have been provided to other Congressional committees.

The Committee would prefer to receive the documents well in advance of next Thursday's hearing. If the documents in question have been produced to the Committee prior to Thursday, May 25, there will be no need for Deputy Attorney General Holder to appear. However, if these documents have not been provided in advance, Mr. Holder will be required to appear before the Committee and produce the documents on May 25. By separate cover, a subpoena will be issued to Mr. Holder specifying the categories of documents to be produced.

I hope that, in light of yesterday's disturbing revelations, you will make no further attempts to delay producing the subpoenaed documents to the Committee.

Sincerely,

Dan Burton

Dan Burton
Chairman

cc: Members, Committee on Government Reform

Subpoena Duces Tecum (Hearing)

By Authority of the House of Representatives of the Congress of the United States of America

To .....Deputy..Attorney..General..Eric..Holder..Serve:Deputy..Attorney..General..Eric. Holder

You are hereby commanded to be and appear before the .....Full..... Committee on .....Government..Reform..... of the House of Representatives of the United States, of which the Hon. .....Dan..Burton..... is chairman, in Room ....2157..... of the .....Rayburn..... Building....., in the city of Washington, on ....May..25th..2000....., at the hour of .....10:00am....., then and there to produce the things identified on the attached schedule and to testify touching matters of inquiry committed to said Committee; and you are not to depart without leave of said Committee.

To .....Maria..Pia..Tamburri.....

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this .....22nd..... day of .....May....., 19..2000

.....
Chairman.

Attest:

Jeff Trandahl
.....
Clerk.

Subpoena for Department of Justice, Deputy Attorney General Eric Holder

Serve: Deputy Attorney General Eric Holder

950 Pennsylvania Avenue, NW

Washington, DC 20530

before the Committee on the

Government Reform

Served Robert Raben - OLA
by: Maria Pia Tamburri
5/23/00 - 12:58 PM
via facsimile and first
class mail

House of Representatives

GPO: 1997 44-939 (mac)

SCHEDULE A

Subpoena Duces Tecum
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Department of Justice
Serve: The Honorable Eric Holder
Deputy Attorney General
Department of Justice
10th and Constitution Avenues, N.W.
Washington, D.C. 20530

The Committee hereby subpoenas certain records along with your testimony. If you have any questions, please contact Chief Counsel James C. Wilson at (202) 225-5074.

Definitions and Instructions

1. For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, contracts, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

2. For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

3. This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the subpoena includes all documents to the present.

4. The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

5. No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

6. If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

7. When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by date, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

8. This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

Subpoenaed Items

Please provide the Committee with the following:

1. A December 9, 1996, memorandum drafted by FBI Director Louis J. Freeh to Deputy FBI Director William J. Esposito relating to a conversation with Public Integrity Section Chief Lee Radek.

2. A November 1997, memorandum drafted by FBI Director Louis J. Freeh to Attorney General Janet Reno relating to the appointment of an independent counsel in the campaign finance investigation.

3. A July 1998, memorandum drafted by Campaign Financing Task Force Supervising Attorney Charles G. La Bella to Attorney General Janet Reno relating to the appointment of an independent counsel in the campaign financing investigation.

4. An August 5, 1998, memorandum drafted by Public Integrity Section Chief Lee Radek in response to the July 1998, La Bella memorandum.

5. An August 1998, memorandum drafted by Campaign Financing Task Force Supervising Attorney Charles G. La Bella in response to the August 5, 1998, Radek memorandum.

6. All memoranda drafted by James Robinson discussing arguments for appointing an independent counsel in the campaign financing investigation.

7. All memoranda drafted by Department of Justice or Federal Bureau of Investigation personnel which discuss or respond to the memoranda listed in 1 through 6.

DAN BURTON, INDIANA
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
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ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

MAJORITY (202) 225–5074
MINORITY (202) 225–5051
TTY (202) 225–6852

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

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JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

May 23, 2000

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Dear General Reno:

As you know, the Committee on Government Reform ("Committee") and the Justice Department have been at loggerheads for more than two years over compliance with Committee subpoenas. In 1998, you refused to comply with a lawful Committee subpoena to produce the Freeh and La Bella memoranda recommending an independent counsel for various campaign fundraising improprieties. Indeed, on August 6, 1998, the Committee voted to hold you in contempt, although the contempt resolution did not reach the House floor before the 105th Congress adjourned.

On March 10, 2000, I issued a new subpoena for the Freeh and La Bella memos, along with several memoranda drafted in response to them. It is now May 22, and although two members of the Committee staff have been allowed to review the documents in Justice Department offices (without taking notes or even the ability to annotate the copies provided), you have failed to produce the documents to the Committee. Nor have you claimed any legally valid privilege.

As I stated in my letter of May 19, this situation is intolerable.

Last week, your staff met with my staff to discuss this issue. At this meeting, your staff asked the Committee to develop a special protocol to handle these documents. However, the Committee already has a set of rules that it follows for the conduct of oversight investigations and the handling of documents in such investigations. Those rules are derived from the Rules of the House of Representatives. These rules have served the House and its Committees well for decades. They have been sufficient for numerous oversight investigations of the executive branch in the past, and they are certainly sufficient for this Committee's investigation of the Justice Department today.

Under the rules followed by the Government Reform Committee, documents received under subpoena are considered "Committee records." Committee records become the possession of the Committee, and the Committee must make a determination as to whether and how such records become public. It has been the practice of this Committee that, if Committee records are to be made public, it is done by agreement between the Chairman and the Ranking Minority Member, or by a vote of the Committee. Also, Committee records are available to Members or the Committee for use during Committee hearings, and can be entered into the record by unanimous consent or a motion.

You originally took the position that these documents could not be produced to Congress without jeopardizing the Department's ability to do its job. That argument is apparently no longer valid because these same documents are in the physical possession of at least one committee in the House and one in the Senate. I can only view new requests for special protocols as a further stalling tactic. As I stated in my letter of May 19, I intend to issue a subpoena for Deputy Attorney General Eric Holder to appear before the Committee on May 25 with the documents in question. If the documents are produced to the Committee prior to May 25, his appearance will not be necessary.

If you have any questions, please do not hesitate to have your staff contact my Chief Counsel, James C. Wilson.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman

DAN BURTON, INDIANA,
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JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

May 24, 2000

The Honorable Janet Reno
Attorney General
Department of Justice
10th and Constitution Avenues, N.W.
Washington, D.C. 20530

Dear Attorney General Reno:

I write regarding the Committee's May 23, 2000, subpoena issued to Deputy Attorney General Eric Holder to appear before the Committee and produce certain documents on May 25, 2000. The Department of Justice has agreed to produce the subpoenaed documents today, making Mr. Holder's appearance before the Committee unnecessary.

The Department had several requests relating to the handling of the documents to which the Committee has agreed. The Department would like the documents to be maintained in a safe with access limited to six staff from the majority and six minority staff. Of course, all of the Committee's members would have access to the documents. The documents are under subpoena and will be treated as such. Therefore, they can be released at a Committee hearing, business meeting, or by agreement of the Chairman and Ranking Minority Member. The Committee will notify the Department before any of the documents produced pursuant to the May 23, 2000, subpoena are released.

Due to the unavailability of witnesses, the Committee has postponed its hearing scheduled for May 25, 2000. However, I do plan to reschedule the hearing and will call Public Integrity Section Chief Lee Radek at that time. If you have any questions, please have your staff contact Committee Chief Counsel James C. Wilson at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman

U.S. Department of Justice

Office of Legislative Affairs

Washington, D.C. 20530

May 24, 2000

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

Dear Mr. Chairman:

This is in response to your subpoena to the Deputy Attorney General of May 23, 2000, and your letters of May 19, 2000 and May 23, 2000, concerning production of internal memoranda relating to campaign financing investigations by this Department, including the La Bella and related memoranda.

As your letters indicate, two members of your staff have been reviewing the La Bella and related memoranda on an ongoing basis. This review, conducted in response to the accommodation outlined in this Department's letter of March 21, 2000, has involved certain restrictions to which your staff agreed. As the number of documents available for review has increased, and as additional committees have requested the documents, we have been open to adjustments of the accommodation. We have reached bipartisan accommodations with the House and Senate Committees on the Judiciary, and are pleased to agree to your Committee's proposal as set forth in your May 23 letter and as elaborated in subsequent discussions with your staff. You have advised that in light of this agreement, the Committee no longer requires the appearance of Deputy Attorney General Eric Holder, Jr., pursuant to the May 23 subpoena.

Under the terms of our agreement, the Department is providing to the Committee the accompanying copies of all documents responsive to the May 23 subpoena which currently are available, as well as other documents responsive to related requests. The Department also will provide any additional responsive documents that are identified. The Committee has agreed to hold these documents in a secure facility as if they were classified documents, and that no more than six staff members each for the Majority and the Minority shall have access to the documents. The documents and their contents may be made public, in whole or in part, only by agreement of the Chairman and the Ranking Minority Member, or by a vote of the Committee. The Department may redact the names of line attorneys from copies of the memoranda provided to the Committee. Finally, if any document or its contents are proposed to be released, the Department will be given reasonable notice and an opportunity to appear before the Committee or to meet with the Chairman and the Ranking Member and present any reasons why such

document should not be released in whole or in part prior to the Committee's determination as to whether such records are to be made public.

Please contact me if you have any additional questions concerning this matter.

Sincerely,

Robert Raben
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

DAN BURTON, INDIANA,
CHAIRMAN
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ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM
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JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

May 31, 2000

The Honorable Janet Reno
Attorney General
Department of Justice
10th and Constitution Avenues, N.W.
Washington, D.C. 20530

Dear Attorney General Reno:

I previously wrote to inform you that the Committee on Government Reform planned to hold a hearing entitled "The Justice Department's Implementation of the Independent Counsel Act" on May 25, 2000. The hearing was postponed, but is now rescheduled for June 6, 2000. I plan to subpoena Department of Justice Public Integrity Section Chief Lee Radek and Assistant Director of the FBI for National Security Neil Gallagher to testify before the Committee.

Your staff indicated that the Department would like to have notice prior to the release of any of the documents produced to the Committee on May 25, 2000. I anticipate that Members of the Committee will refer to a number of those documents during the hearing and include in the record any documents to which they refer. At that time, the Committee also may consider a motion to release to the public the Frech and La Bella memoranda, along with responsive memoranda from other Department of Justice officials.

If you have concerns about the public release of these documents, please make them known to the Committee by Friday, June 2, 2000. Your staff may contact Committee Chief Counsel James C. Wilson at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

DAN BURTON, INDIANA
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BERNARD SANDERS, VERMONT,
INDEPENDENT

May 31, 2000

Attorney General Janet Reno
United States Department of Justice
Tenth Street & Constitution Avenue N.W.
Washington, D.C. 20530

Re: Request for Documents

Dear General Reno:

This Committee is investigating the circumstances necessitating the provision of information about Joseph M. Gersten to governmental or legal authorities in Australia.

I am writing to request that the Department of Justice produce certain records to the Committee. Please provide all documents relating to Mr. Gersten currently in the possession of the Department of Justice. In producing these documents, please indicate which documents, if any, have been produced to governmental or legal authorities in Australia.

In order to assist in your collection of documents, please note the following information about Mr. Gersten:

- Date of Birth - [redacted]
- Social Security Number - [redacted]

Please provide the requested documents to the Committee by June 14, 2000. If your staff has any questions about this request, please have them contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074. Thank you for your cooperation.

Sincerely,

Dan Burton
Chairman

cc: Robert Raben, Assitant Attorney General

DAN BURTON, INDIANA,
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BERNARD SANDERS, VERMONT,
INDEPENDENT

May 31, 2000

The Honorable Louis Freeh
Director, Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, D.C. 20535

Re: Request for Documents

Dear Director Freeh:

This Committee is investigating the circumstances necessitating the provision of information about Joseph M. Gersten to governmental or legal authorities in Australia.

I am writing to request that the FBI produce certain records to the Committee. Please provide all documents relating to Mr. Gersten currently in the possession of the FBI. In producing these documents, please indicate which documents, if any, have been produced to governmental or legal authorities in Australia.

In order to assist in your collection of documents, please note the following information about Mr. Gersten:

- Date of Birth – [redacted]
- Social Security Number – [redacted]

Please provide the requested documents to the Committee by June 14, 2000. If your staff has any questions about this request, please have them contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074. Thank you for your cooperation.

Sincerely,

Dan Burton
Chairman

cc: John Collingwood, Assistant Director for Legislative Affairs

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INDEPENDENT

June 1, 2000

The Honorable Janet Reno
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear General Reno:

As you are aware, the Committee is conducting an investigation into events surrounding the stand-off at the Branch Davidian compound in Waco, Texas. As part of this investigation, Committee staff have interviewed numerous witnesses and reviewed hundreds of thousands of documents produced by the Department of Justice and other Executive Branch agencies.

I appreciate your cooperation in making Department personnel available for these interviews. As Committee interviews draw to a close, I request that you make yourself available for an interview by Committee attorneys. Your voluntary participation would be of great significance to this Committee's investigation.

I also request that you reverse your previous position and make Justice Department attorney Robert Lyon available for an interview. Because of the significance of this investigation, you have previously made line attorneys available for interviews. In addition, it is not even clear that Mr. Lyon was acting in the capacity of a line attorney in this instance.

Please have your staff contact Committee Chief Counsel James C. Wilson at (202) 225-5074 to discuss this matter. Again, thank you for your continued cooperation.

Sincerely,

Dan Burton

Dan Burton
Chairman

Honorable Janet Reno
June 1, 2000

cc: The Honorable Henry Waxman
Ranking Member

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INDEPENDENT

June 1, 2000

Lee J. Radek, Esq.
Chief, Public Integrity Section
Department of Justice
10th and Constitution Avenues, N.W.
Washington, D.C. 20530

Dear Mr. Radek:

Pursuant to Rules X and XI of the House of Representatives, the Committee on Government Reform has oversight of the Executive Branch of the Federal Government. In fulfilling our oversight responsibilities under House Rules, the Committee will convene a hearing entitled, "The Justice Department's Implementation of the Independent Counsel Act." At this hearing, we will examine the Department of Justice's decision-making regarding the applicability of the Independent Counsel Act, particularly as it relates to the campaign financing investigation.

The Committee will issue a subpoena for your testimony at the hearing. We are specifically interested in hearing about your responsibilities in the campaign financing investigation. In particular, we would like to hear about any role you played in making determinations under the Independent Counsel Act.

The hearing will take place on Tuesday, June 6, 2000, at 10:00 a.m., in Room 2154 of the Rayburn House Office Building. It is requested that 100 copies of your written testimony be provided to the Committee no later than 24 hours prior to the time of the hearing. Also, to facilitate printing of the hearing record, please provide a computer disk containing your testimony. At the time of the hearing, we ask that you summarize your written testimony in five minutes to allow maximum time for discussion and questions.

Under the Congressional Accountability Act, the House of Representatives must be in compliance with the Americans with Disabilities Act (ADA). Persons requiring special accommodations should contact Lisa Arafune at (202) 225-5074 at least four business days prior to the hearing.

Please contact Committee Chief Counsel James C. Wilson at (202) 225-5074 if you have any questions or need additional information about the hearing.

Sincerely,

Dan Burton
Chairman

Subpena to Testify (Hearing)

By Authority of the House of Representatives of the Congress of the United States of America

To Lee J. Radek, Esq. Serve: Lee J. Radek, Esq., Department of Justice

You are hereby commanded to be and appear before the Full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, in Room 2157 of the Rayburn Building, in the city of Washington, on June 6th, 2000, at the hour of 1:00PM, then and there to testify touching matters of inquiry committed to said Committee; and you are not to depart without leave of said Committee.

To Maria Pia Tamburri or US Marshal Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 1st day of June, ~~19~~ 2000

Dan Burton

Chairman.

Attest:

Jeff Trandahl

by Thomas C. Dang *Clerk.*

Subpena for Department of Justice, Lee Radek, Esq.

Serve: Lee Radek, Esq.

Chief, Public Integrity Section, Department of Justice

10th and Constitution Avenue, NW Washington, DC 20530

before the Committee on the

Government Reform

Served Robert Raben
11:44am 6/2/00
Via facsimile and first class mail
Maria Pia Tamburri

House of Representatives

GPO: 1990 31-287 (m)

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BERNARD SANDERS, VERMONT,
INDEPENDENT

June 1, 2000

Neil Gallagher
Assistant Director, National Security Division
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535-0001

Dear Mr. Gallagher:

Pursuant to Rules X and XI of the House of Representatives, the Committee on Government Reform has oversight of the Executive Branch of the Federal Government. In fulfilling our oversight responsibilities under House Rules, the Committee will convene a hearing entitled, "The Justice Department's Implementation of the Independent Counsel Act." At this hearing, we will examine the Department of Justice's decision-making regarding the applicability of an independent counsel, particularly as it relates to the campaign financing investigation.

The Committee will issue a subpoena for your testimony at the hearing. We are specifically interested in hearing about your responsibilities in, and knowledge of, the campaign financing investigation.

The hearing will take place on Tuesday, June 6, 2000, at 10:00 a.m., in Room 2154 of the Rayburn House Office Building. It is requested that 100 copies of your written testimony be provided to the Committee no later than 24 hours prior to the time of the hearing. Also, to facilitate printing of the hearing record, please provide a computer disk containing your testimony. At the time of the hearing, we ask that you summarize your written testimony in five minutes to allow maximum time for discussion and questions.

Under the Congressional Accountability Act, the House of Representatives must be in compliance with the Americans with Disabilities Act (ADA). Persons requiring special accommodations should contact Lisa Arafune at (202) 225-5074 at least four business days prior to the hearing.

Please contact Committee Chief Counsel James C. Wilson at (202) 225-5074 if you have any questions or need additional information about the hearing.

Sincerely,

Dan Burton
Chairman

Subpena to Testify (Hearing)

By Authority of the House of Representatives of the Congress of the United States of America

To Neil Gallagher, F.B.I , National Security Division Serve: Neil Gallagher

You are hereby commanded to be and appear before the Full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, in Room 2157 of the Rayburn Building, in the city of Washington, on June 6th, 2000, at the hour of 1:00PM, then and there to testify touching matters of inquiry committed to said Committee; and you are not to depart without leave of said Committee.

To Maria Pia Tamburri or US Marshal Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 1st day of June, 19 2000

Dan Burton

Chairman.

Attest:

Jeff Trandahl

by Theodore C. Davis *Clerk.*

Subpena for Neil Gallagher, Assistant Director, National Security Division

F.B.I ,Serve: Neil Gallagher

935 Pennsylvania Avenue, NW

Washington, DC 20535

before the Committee on the

Government Reform

Served To: Jd Callwood for Neil Gallagher

Date: 6/2/00 Time: 12:15P

Kevin Binger

House of Representatives

GPO: 1990 31-267 (m)

U.S. Department of Justice

Office of Legislative Affairs

Washington, D.C. 20530

June 2, 2000

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

Dear Mr. Chairman:

This is in response to your letter dated May 31, 2000, in which you indicate your Committee's consideration of disseminating the La Bella and Freeh memoranda, as well as other, unspecified documents provided to the Committee in connection with your oversight review of the Attorney General's decisions related to campaign financing matters, at a June 6, 2000 hearing of the Committee.

These documents were provided under an agreement into which the Committee entered with this Department in order to satisfy the legitimate need of Congress for oversight information while protecting important institutional and law enforcement interests of this Department, including the separation of law enforcement decisions from political considerations, and the confidentiality of open and frank internal deliberations. We appreciate your adherence to the agreement by providing notice to us prior to release of any document or portion thereof.

We object to the Committee's proposed public release of these sensitive law enforcement documents at the June 6 hearing. The Department has always sought to ensure that all law enforcement decisions are products of open, frank and independent assessments of the pertinent law and facts – uninhibited by political and other improper outside influences. If each attorney's advice and recommendations can be publicly dissected by Congress or the media, then the free and candid flow of ideas would certainly be jeopardized. In particular, we are concerned that attorneys handling the most politically sensitive matters involving high-level government officials may, in the future, refrain from providing their honest views on investigative strategy and the merits or demerits of the case if they know that their confidential views will be debated and second-guessed in public.

Public release of these documents also would infringe privacy interests. Many of the documents necessarily contain extensive discussion of unproved allegations against many entirely innocent persons peripheral to the investigations. Indeed, there is such information in the La Bella and Freeh memoranda. There is no reason to drag these allegations and individuals into the spotlight, and such material should be redacted prior to any release. We appreciate the

strict confidentiality with which you and your staff have treated these documents to date. We strongly urge you to continue to respect the privacy rights of these persons.

Finally, we request that you and the Ranking Member use your considerable leadership to request that Members provide notice to you and, through you to us, of those specific documents which may be released at the June 6, 2000 hearing. We believe that identification of the specific documents to be considered for release is a necessary part of part of the "reasonable notice" to which we agreed. Such identification will allow us to identify and share with you any specific concerns we have with the portions of those documents which are considered for discussion or release. Following our meeting with you and the Ranking Member, or with the Committee, contemplated in the agreement, the Committee thus will be in a position to make a reasoned, fully informed decision as to whether particular information should be made public.

Again, thank you for informing us of this matter. We look forward to identification of the documents your Committee will consider for release, and to working closely with you and your staff to resolve these issues promptly.

Sincerely

Robert Raben by J.T

Robert Raben

cc: The Honorable Henry Waxman
Ranking Minority Member

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HAROLD E. FORD, JR., TENNESSEE
JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

June 6, 2000

The Honorable Janet Reno
Attorney General
Department of Justice
10th and Constitution Avenues, N.W.
Washington, D.C. 20530

Dear Attorney General Reno:

I write to express my concern regarding a document the Department of Justice informed the Committee that it would be producing last night. At 5:10 p.m. yesterday, a senior attorney in the Office of Legislative Affairs telephoned my Chief Counsel to inform him that the Department would be producing at least one document that related to an investigation of me.

Pursuant to a May 3, 2000, subpoena, the Department has been producing numerous memoranda relating to independent counsel considerations. The Committee's subpoena called for, "all formal memoranda that were sent to the Attorney General or senior Justice Department officials in connection with decisions involving the application of the Independent Counsel Act to campaign finance related matters, including memos that address the Independent Counsel Act-related aspects of the Freeh and La Bella memoranda." The Committee consulted with the Department in drafting the language in order to capture the Freeh and La Bella memoranda, other related memoranda drafted by Department officials, and all attachments to such memoranda. I was surprised to learn that, in response to the May 3, 2000, subpoena, the Department planned to produce at least one memorandum pertaining to the Department's investigation of a politically motivated and spurious allegation leveled against me. Your staff indicated that the document may somehow be related to §591(c)(2) of the Independent Counsel Act. Nevertheless, this planned production raises several important questions.

As you know, the Department has what you have described as a "long standing policy" against releasing information related to open cases, much less internal deliberative memoranda. A memorandum improperly distributed by a member of your staff over a year ago indicated that there was a closing memorandum sent to Public Integrity on my case. The memo classified the allegation against me as "not yet closed, but likely to be shortly" and neither my counsel nor I have been informed that the Department's investigation of me has been closed. In fact, it appears to have been kept open artificially. Therefore, I was puzzled as to why you would make

an exception to the rule in this case. If you were intending to create an exception to your rule, there would be numerous other categories of documents that would be responsive to the Committee's outstanding subpoenas, and I would expect to receive those as well. Needless to say, beyond the fact that the memorandum in question is related to an open case, I certainly would not want to receive a memorandum that was related to my open case. The subpoena was not written with that intent. My staff consulted with the Department in order to request the narrow category of documents in which the Committee was interested for purposes of oversight.

I also note that the Department did not propose to produce any documents relating to open or closed investigations of other Members of Congress, which also might have some tangential connection to §591(c)(2). The Department has been aware for some time that the Committee would be holding a hearing about its implementation of the Independent Counsel statute. The fact that you would wait until the evening before the hearing to deliver a document related to an open case on the Chairman of the Committee raises suspicions. Perhaps any suspicions would have been allayed had you indicated that the Department was delivering all documents relating to investigations of Members of Congress, including those that remain open. However, you did not do that. Indeed, you appear to have targeted only me.

As significant, you mobilized your political surrogates at 5:10 p.m. the night before a hearing that involves documents over which you were held in contempt (the first time in U.S. history an Attorney General has been held in contempt by Congress.) In fact, the Department's timing reminds me of other instances in which the Department's decisions appeared to be based on pure politics. The Department opened its investigation of me at the same time that I was assuming the Chairmanship of the Committee that would be investigating the allegations of campaign finance improprieties. The Department based its investigation on an unsupported allegation from a former high-level Democratic National Committee official – a man with no evidence and a serious political ax to grind. In addition, the very week I issued the first subpoena to the Department of Justice, my campaign committee received a subpoena from the Justice Department asking for five years of my campaign records. Just as in this latest example of the Department's eagerness to deliver a memorandum relating to me, the timing is suspect. It would appear as though the Department were trying to intimidate me by suggesting that it would be releasing a investigative memorandum related to me. As you are aware, two years ago I first stated that the campaign finance matter should be handled by an independent counsel. I specifically stated that I would welcome a neutral, non-partisan investigation of the allegations against me. You chose to take a different path. I do, however, object to the overtly political way in which you resuscitate the allegations against me whenever it suits your political needs.

Finally, when the Legislative Affairs attorney was asked about the production of this memo, and how it was relevant to the Committee subpoena, he was at a loss for a credible answer. He first responded that it was related to the campaign finance task force investigation. My staff pointed out that our subpoena related only to independent counsel matters. The attorney then called my staff back and mentioned that there was a provision in the Independent Counsel Act that related to members of Congress. However, he still could not explain why deliberative process memoranda on open cases would be produced, except to say that the memo did not contain any material that would "hurt the case." Nor could he explain why, out of the entire universe of documents pertaining to Members of Congress, only one -- involving me --

was to be produced. I was even more troubled by his next comment. When asked about the decision making process on the memoranda to be produced and who was responsible, your attorney described the document production process as, "people rooting through boxes and pulling out documents." That description does not inspire confidence in the manner in which you are responding to Congressional subpoenas.

Your tactics appear to be designed to intimidate and embarrass. I find them to be, as was once said of the contortions within the campaign finance investigation, "unseemly." I assure you, that there is no way that I will be intimidated, so you might as well quit trying. Please inform me, by June 9, 2000, of all individuals involved in the decision to produce documents, pertaining to my case, to this Committee.

Sincerely,

Dan Burton
Chairman

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

June 6, 2000

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

Dear Mr. Chairman:

This is in continuing response to your subpoenas of March 22, 2000, and May 3, 2000. Enclosed you will find copies on interview summaries responsive to Item 2 of your subpoena. These interview summaries (Bates numbers FBI-CF-00335 - FBI-CF-00429) constitute the second priority identified in your letter of April 12, 2000. The first priority Interview summaries (Bates numbers FBI-CF-00156 - FBI-CF-00334) were provided on May 26, 2000. Also enclosed is an additional interview summary for a November 11, 1998 interview of Vice President Gore (Bates numbers FBI-TRIE-04221 - FBI-TRIE-04225). We expect to provide the final set of interview summaries in the near future. Finally, we are enclosing additional memoranda (Bates numbers DOJ-P-01420 - DOJ-P-01539; DOJ-IC-00544 - DOJ-IC-00557) responsive to you May 3 subpoena.

Please contact me if you have any additional questions concerning this matter.

Sincerely,

Robert Raben
Assistant Attorney General

Enclosures

cc: The Honorable Henry Waxman
Ranking Minority Member

DAN BURTON, INDIANA,
CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. McHUGH, NEW YORK
STEPHEN HORN, CALIFORNIA
JOHN L. MICA, FLORIDA
THOMAS M. DAVIS III, VIRGINIA
DAVID M. McINTOSH, INDIANA
MARK E. SOUDER, INDIANA
JOE SCARBOROUGH, FLORIDA
STEVEN C. LaTOURETTE, OHIO
MARSHALL "MARK" SANFORD, SOUTH CAROLINA
BOB BARR, GEORGIA
DAN MILLER, FLORIDA
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LEE TERRY, NEBRASKA
JUDY BIGGERT, ILLINOIS
GREG WALDEN, OREGON
DOUG OSE, CALIFORNIA
PAUL RYAN, WISCONSIN
HELEN CHENOWETH-HAGE, IDAHO
DAVID VITTER, LOUISIANA

ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

MAJORITY (202) 225–5074
MINORITY (202) 225–5051
TTY (202) 225–6852

HENRY A. WAXMAN, CALIFORNIA,
RANKING MINORITY MEMBER
TOM LANTOS, CALIFORNIA
ROBERT E. WISE, JR., WEST VIRGINIA
MAJOR R. OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
PATSY T. MINK, HAWAII
CAROLYN B. MALONEY, NEW YORK
ELEANOR HOLMES NORTON,
DISTRICT OF COLUMBIA
CHAKA FATTAH, PENNSYLVANIA
ELIJAH E. CUMMINGS, MARYLAND
DENNIS J. KUCINICH, OHIO
ROD R. BLAGOJEVICH, ILLINOIS
DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
HAROLD E. FORD, JR., TENNESSEE
JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

June 8, 2000

Doris Meissner
Commissioner
Immigration & Naturalization Service
425 I Street, N.W.
Room 7100
Washington, D.C. 20536

Dear Commissioner Meissner:

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform hereby requests certain records.

The Committee requests all records relating to the Permanent Resident card or Green card, including the date or dates such cards were surrendered, of the following individuals:

A. James Tjajaha Riady, D.O.B. [redacted] and
B. Aileen Riady (a.k.a. Linawati Hambali), D.O.B., [redacted]

Please produce the responsive records by Thursday, June 22, 2000. If you have any questions, please contact Counsel Jim Schumann at (202) 225-5074. Thank you for your attention to this matter.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman

DAN BURTON, INDIANA,
CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
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ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

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HAROLD E. FORD, JR., TENNESSEE
JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

June 9, 2000

Guila Todd
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Suite 2216
Washington, D.C. 20530

Dear Mr. Todd:

This letter responds to your request for additional information about Joseph M. Gersten. The Committee's document request of May 31, 2000, asked for a response by June 14, 2000. Given your good faith inquiry regarding methods of identifying information relevant to the Committee's request, please disregard the previous deadline and attempt to comply with the Committee's request by June 23, 2000.

Mr. Gersten was a prominent politician in the Miami area during the 1980s and early 1990s. He served as a Dade County Commissioner and announced a candidacy for Mayor of Dade County. In April of 1992, allegations emerged against Mr. Gersten that led ultimately to his being held in civil contempt during legal proceedings in the Miami area. It is also entirely possible that the Federal Bureau of Investigation conducted some form of investigation of Mr. Gersten relating to a dispute over bond financing and regarding a drug test. Mr. Gersten's FBI File Number for one matter may be [redacted] It is my understanding that Assistant United States Attorney Richard Gregorie, of the Southern District of Florida, may have had some involvement in legal matters pertaining to Mr. Gersten.

If you have any additional questions, please do not hesitate to contact me directly.

Sincerely,

James C. Wilson
Chief Counsel

U.S. Department of Justice

Office of Legislative Affairs

Washington, D.C. 20530

June 9, 2000

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

Dear Mr. Chairman:

This is in response to your letter dated June 6, 2000, concerning the Department's response to your May 3, 2000 subpoena.

In the course of the Department's continuing review of documents in connection with the Committee's May 3 subpoena, we determined that a document concerning alleged campaign finance violations was responsive to the Committee's subpoena because it was a memorandum "sent to the Attorney General or senior Justice Department officials in connection with decisions involving the application of the Independent Counsel Act to campaign finance related matters, including memos that address the Independent Counsel Act-related aspects of the Frech-LaBella memoranda."

We contacted Committee staff on Monday afternoon to advise them that the Department would be producing additional documents to the Committee that evening. During that same call, we further advised the Committee that one of the documents we expected to produce was a memorandum to the Attorney General concerning you. That advisement, intended as a courtesy, has been characterized otherwise. Later, your staff called the Department back and raised certain questions regarding the propriety of producing that document. We advised that we would not produce the document until those issues were resolved.

We have resolved those issues. We have confirmed that the allegations that are discussed in the memorandum were the subject of a decision under the Independent Counsel Act and therefore that the memorandum is responsive to your subpoena. We further have confirmed that production of the memorandum would not harm any pending investigation – which is the standard we have applied to all other documents responsive to the Committee's subpoena for Independent Counsel-related memoranda. The Department, however, need not produce internal documents that are not needed by the Committee. We would be happy to permit the Committee to review the document that was discussed with your staff so that you can advise us whether you would like the Department formally to produce it.

We regret that our courtesy to your office has been characterized otherwise.

Sincerely,

Robert Raben

Robert Raben

cc: The Honorable Henry Waxman
Ranking Minority Member

U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

June 14, 2000

Honorable Dan Burton
Chairman, Committee on Government Reform
House of Representatives
Washington, DC 20515-6143

Dear Mr. Chairman:

Your recent correspondence to Director Freeh requesting FBI records relating to Mr. Joseph M. Gersten was referred to me for response. Our Legal Attache in Canberra has been contacted to ascertain the information being sought by the Committee. A further reply will be sent as expeditiously as possible.

Sincerely yours,

John E. Collingwood
Assistant Director
Office of Public and
Congressional Affairs

U.S. Department of Justice

Office of Legislative Affairs

Washington, D.C. 20530

June 15, 2000

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

Dear Mr. Chairman:

This is in further response to your letter dated June 6, 2000, concerning the Department's response to your May 3, 2000 subpoena, and the June 12, 2000 telephone inquiry by Mr. Wilson of the Committee staff.

The Department would only consider appointment of an independent counsel for a Member of Congress under exceptional circumstances, such as a potential conflict of interest. The Department's consideration of an independent counsel to handle the allegations referred to in your letter came at a time when the issue of a possible contempt citation for the Attorney General was before your Committee. This prompted the Attorney General, in order to avoid any suggestion of a conflict of interest, to recuse herself from this matter, and also led to consideration by senior Department officials of whether appointment of an independent counsel was in the public interest in this specific instance. A decision was made not to appoint an independent counsel in this instance.

We hope that this answers your question concerning the matter.

Sincerely,

Robert Raben
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

U.S. Department of Justice

Executive Office for United States Attorneys
Freedom of Information/Privacy Act Unit
600 E Street, N.W., Room 7100
Washington, D.C. 20530
202-616-6757 Fax 202-616-6478

JUN 19 2000

Request Number: 00-1925

Requester: DAN BURTON

Subject: JOSEPH GERSTEN/FLS

The Executive Office for United States Attorneys (EOUSA) has received your Freedom of Information Act/Privacy Act (FOIA/PA) request. It has been assigned the above number. Please give us this number if you write about your request. If we need additional information, we will contact you within two weeks.

Your request will be placed in the order in which it was received for processing, unless it is a very large request (Project Request). Then, it will be placed in a separate group of Project Requests, which are also processed in the order received.

EOUSA makes every effort to process most requests within a month (20 working days). There are some exceptions, for example, Project Requests take approximately nine months to process. Requests for all information about myself in criminal case files are Project Requests. If you have made such a request, you may either write us and narrow your request for specific items, or we will consider that you have agreed to a due date of nine months from the date of this letter.

By making a FOIA/PA request, you have agreed to pay fees up to $25, as stated in 28 CFR §16.3(c).

Sincerely,

Suzanne Little
Assistant Director
FOIA/PA Unit

Form No. 001 - 6/99

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

JUN 20 2000

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

Dear Chairman Burton:

This in response to your telephone conversation with Associate Deputy Attorney General Craig S. Iscoe, in which you inquired about the mechanisms generally available to the government to secure the presence of witnesses at trial and specifically what efforts were taken by the Campaign Financing Task Force to secure the appearance of two witnesses, Venerable Man Ho and Venerable Yi Chu, at the Washington, D.C., trial of Maria Hsia.

The normal procedure for securing the presence of a witness at a criminal trial is to serve the witness with a subpoena which directs the witness to appear at a specified date and time to give testimony. In the majority of cases, subpoenaed witnesses comply with the order and appear as required, and no further efforts are necessary to secure their testimony. Generally, unless there is a basis to believe that a subpoena will not be honored by a witness, use of more restrictive methods are not available.

If, however, it appears that a subpoena will not be sufficient to secure a witness' appearance, the government (or the defense) can petition the court to issue a material witness warrant, so that the witness can be arrested. Material witness warrants are authorized by statute,18 U.S.C. § 3144, based on a showing of probable cause that the testimony of the witness is material to the trial, and that it may be impracticable to secure the witness' presence by subpoena. To obtain the arrest warrant for a witness, the government bears the burden of demonstrating to the district court a factual basis for believing that the witness either cannot be served with a subpoena or will refuse to honor one. There is no provision under the law for issuing a material witness warrant simply as a precautionary measure to ensure an important witness' availability for trial.

If a witness is arrested pursuant to a material witness warrant, the judge has limited authority to detain the witness. In order to have a witness held in custody pending trial, the party seeking detention must demonstrate: (1) that the witness' testimony cannot be preserved by

deposition; and (2) that a "failure of justice" will result if the witness is released. When prosecution witnesses are detained, the government must make a biweekly report to the court identifying each witness who has been held in custody for more than ten days and specifying why such witness should not be released with or without the taking of a deposition.

If there are concerns that a witness may suddenly become unavailable prior to trial, the witness can be deposed in order to preserve the testimony. However, this is not a measure a prosecutor would ordinarily undertake unless there is reason to believe the witness might become unavailable in the future, such as due to the witness' advanced age or life-threatening illness.

In the Hsia case, the two witnesses in question, Venerable Man Ho and Venerable Yi Chu, were both served with subpoenas for the original September 18, 1998, trial date. Prior to that trial date, as you are aware, the District Judge dismissed most of the indictment and the government appealed. The government sought and obtained from the District Judge an order directing these witnesses that the subpoenas previously served upon them remained "in full force and effect" until the appeal was resolved and the case actually went to trial. The witnesses were thus under a continuing duty to be available for trial.

After the Court of Appeals reversed the District Court's decision and reinstated the indictment, the District Judge, in September 1999, set a trial date of January 18, 2000. On November 18, 1999, the prosecutors notified counsel for these witnesses, via letter, of the new trial date. On December 30, 1999, defense counsel contacted the prosecutors assigned to this case and expressed for the first time that his clients were reluctant to testify. Defense counsel represented that his clients would be filing motions to quash the subpoenas that were in effect requiring their testimony. The motions to quash the subpoena were not made until shortly before the trial date and were denied by the trial court, which directed the witnesses to appear. When the witnesses failed to appear by January 28, the court issued bench warrants for their arrest. By that time, both Venerable Yi Chu and Venerable Man Ho had already returned to Taiwan.

Prior to the indication from defense counsel on December 30, 1999, that the two witnesses were reluctant to testify, the government had reason to believe they would honor their trial subpoenas. Both witnesses had signed cooperation agreements with the government and had, in fact, been cooperative during the investigation phase of this case. Both witnesses testified twice before the grand jury and both had testified before Congress. At the time the subpoenas were served, Venerable Yi Chu was a naturalized United States citizen and Venerable Man Ho had applied for naturalization; neither had given any indication that they would flee the country to avoid testifying at trial. In short, there were no facts that the government could have articulated in support of a request for a material witness warrant prior to their departure to Taiwan.

In addition, the government was not aware of any reason prior to December 30, 1999, for requesting that these two cooperating witnesses voluntarily relinquish their passports. The Department does not ordinarily ask witnesses, especially cooperating witnesses, to relinquish their passports prior to trial.

We hope that this information responds to your concerns. If we may be of further assistance on this or any other matter, please do not hesitate to contact me.

Sincerely,



Robert Raben
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To United States Justice Department Serve: Attorney General Janet Reno

You are hereby commanded to produce the things identified on the attached schedule before the Full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building , in the city of Washington, on July 10th, 2000, at the hour of 5:00PM

To Maria Pia Tamburri or US Marshal Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 26th day of June, ~~XX~~2000

Dan Burton

Chairman.

Attest:

Jeff Trandahl

Clerk.

Subpoena for Department of Justice Serve: Attorney General Janet Reno

Tenth and Constitution Avenue, NW

Washington, DC 20530

before the Committee on the

Government Reform

Served by: Maria Fia Tambarri

TO: Robert Raben

6/26/00 @ 12:00 noon

via facsimile and first class mail

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Government Reform Committee
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

United States Department of Justice
Serve: Attorney General Janet Reno
Tenth Street & Constitution Avenue N.W.
Washington, D.C. 20530

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions, please contact Chief Counsel James C. Wilson at (202) 225-5074.

Definitions and Instructions

(1) For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

(2) For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

(3) This subpoena calls for the production of records, documents and compilations of data

and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

(4) The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

(5) No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

(6) If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

(7) When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by data, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

(8) This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

Subpoenaed Items

Please provide the Committee with the following records:

1. All e-mail messages regarding the appointment of an independent counsel or the independent counsel decisionmaking process for campaign fundraising violations in the 1996 election cycle sent or received by any of the following individuals:

a. Any personnel in the Public Integrity Section, including, but not limited to, Lee Radek;
b. Any personnel on the Campaign Financing Task Force, including, but not limited to, Laura Ingersoll, Charles La Bella, and David Vicinanzo;
c. Any personnel in the office of the Attorney General, including, but not limited to, Attorney General Reno;
d. Any personnel in the office of the Deputy Attorney General, including, but not limited to, Deputy Attorney General Holder and Robert Litt;
e. Assistant Attorney General James Robinson;

f. Deputy Assistant Attorney General Mark Richard;
g. Deputy Assistant Attorney General Michael Horowitz;
h. FBI Director Louis Freeh; and
i. FBI General Counsel Larry Parkinson.

2. All records relating to any investigation, consideration, or examination of the possible appointment of an independent counsel for Vice President Gore from 1996.

DAN BURTON, INDIANA
CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
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ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

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MINORITY (202) 225–5051
TTY (202) 225–6852

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BERNARD SANDERS, VERMONT,
INDEPENDENT

June 28, 2000

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Dear General Reno:

Given your obdurate refusal to follow the advice of FBI Director Louis Freeh, Task Force Special Agent in Charge James DeSarno, and Campaign Financing Task Force heads Charles La Bella and Robert Conrad, your decision to refrain from appointing a special counsel to investigate allegations of intimidation and obstruction of justice in the White House e-mail matter was not unexpected. Unfortunately, however, your decision opens the Justice Department to additional criticism and further scrutiny.

I suggested a special counsel for reasons similar to my request for an independent counsel in the Campaign Finance matter. In short, given the historical performance of your Justice Department in investigations involving the White House, I had serious concerns that the e-mail investigation would not be as thorough and independent as this matter requires. In the three months since I called for a special counsel (letter attached), your subordinates have not acted to dispel my concerns. Let me give you an example. Whenever we interview witnesses, we ask whether they have been interviewed by the Department of Justice or the Office of Independent Counsel. The following is a list of witnesses who had not been interviewed by the Justice Department and the date that the Committee learned they had not been interviewed:

Sally Paxton	June 22, 2000
Michelle Peterson	June 8, 2000
John Podesta	May 30, 2000
Virginia Apuzzo	May 24, 2000
Joe Vasta	June 26, 2000
Jim DeWire	June 15, 2000
Dorothy Cleal	May 15, 2000
Nell Doering	May 26, 2000
Adam Greenstone	May 22, 2000

Joseph Kouba	May 12, 2000
Christina VanFossan	May 31, 2000

Quite obviously, it is possible that they have now been interviewed. Nevertheless, it strikes me as somewhat odd that you would allow three or four months to pass before interviewing critically important individuals such as Sally Paxton, Michelle Peterson, John Podesta, Virginia Apuzzo, Joe Vasta, and Jim DeWire. Doubtless there are others not on this list, and I have chosen to omit from the list individuals interviewed by the Committee in March and April of this year (even though most of those individuals had not been interviewed either).

As you are aware, I have been critical that the Justice Department neglected to ask the President questions about foreign money in 1996, 1997, 1998, or 1999. I quite simply do not understand how you would tolerate such an investigation. I have also been critical that the Justice Department elected to refrain from asking the Vice President about the Hsi Lai Temple event for almost four years. It now appears that there is a similar reluctance to move forward vigorously with the e-mail investigation. Having been a prosecutor, you are well aware of the importance of moving swiftly to obtain testimony and documents. Although you frequently say that you will follow the evidence wherever it leads, there is frequently nothing to follow because you have not asked questions or requested documents. There is no clearer reason to appoint a special counsel to examine campaign finance matters than the fact that the Justice Department appears to be giving preferential treatment to the White House. Indeed, the only other explanation for failing to obtain documents from the White House on this matter is incompetence, and that hardly seems like a strong argument to avoid appointing a special counsel.

In the e-mail investigation, as in the Hsi Lai Temple matter or the President's close proximity to illegal foreign money, there appears to be no real effort to move expeditiously. Under normal circumstances, I would defer to the strategies of your career lawyers and I would have no reason to observe when you are talking to various potential witnesses. As we have seen in the campaign finance investigation, however, these are not normal circumstances. Indeed, there is a clear contrast between the speed of your actions when there is a need for damage control and the speed of your actions when a politically embarrassing situation arises. Consider the following:

- When it was reported last week that Robert Conrad had requested a special counsel to investigate possible instances of perjury by the Vice President, the Justice Department was complicit in the Vice President's release of a transcript of his most recent interview, and all documents referenced in that interview. This contrasts to your response when this Committee subpoenaed the same information on April 25, 2000. You told us that "disclosure of matters involving an open investigation would hurt that investigation and seriously interfere with the efforts of career prosecutors and career FBI agents to enforce federal law." One can only speculate as to what changed between this high-minded rationale for denying the Congressional request and the Vice President's desperate need for help in effecting his damage control strategy. Simply put, the question is why would you fail to comply with a

Congressional subpoena for documents that you have handled in such a way that a witness can share them with others under investigation or release to the public?

- When there was a public disclosure regarding Robert Conrad's purported request for a special counsel, it was immediately announced that Task Force attorneys would be polygraphed. The same was not required of Lee Radek, Eric Holder, or Richard Scruggs during previous leak investigations. (Indeed, in the case of your friend Mr. Scruggs, your Department found that he leaked sensitive information in order to make you look good in a book, but did little to discipline him.)

- When it was advantageous to investigate me on the basis of uncorroborated information provided by a former Democratic National Committee official, you compelled people to go before a grand jury within one week. This contrasts dramatically with the almost four years it took to ask the Vice President questions about the Hsi Lai Temple fundraiser.

- When a FLIR tape shedding light on the Waco tragedy emerged, you dispatched U.S. Marshals to seize the tape from the FBI headquarters the same day.

- When you found an embarrassing tidbit of information in the FBI interview of a former member of Congress, you had no qualms about moving to release the information expeditiously. In fact, your subordinates even gave the information to John Huang so he could criticize Congress in a public hearing.

There are many such examples. Each, in its own way, stands for the proposition that the Justice Department is a place where justice takes a back seat to politics. Indeed, if you contrast these actions with the nearly four-year delay in asking the Vice President about the Hsi Lai Temple event, it is easy to understand why I am so concerned.

Apart from your reluctance to interview witnesses, there is also another aspect of your investigation that is very troubling. On June 23, 2000, the Committee received documents relating to the failure of the Vice President's office to manage e-mail records. The documents received are extremely important, and I note that the Justice Department was also provided copies of the documents we received on June 23, 2000. This leads me to believe that your lawyers failed to act independently to compel production of the Vice President's documents. Indeed, when we learned of the existence of these documents, the Justice Department had not even spoken with the witness who informed us of the new information.

I can only speculate as to when you would have gotten around to asking the relevant questions. If the Hsi Lai Temple investigation is any guide, your lawyers would have gotten around to compelling answers to the question of where the documents were in approximately January of 2004. That date may seem fanciful, yet it is as far from the discovery that there were documents discussing the Vice President's e-mail problems as the Vice President's questioning was from the first reports of the Hsi Lai Temple fundraiser.

I am struck by the apparent failure of the Justice Department to follow up on this matter. It was clear, however, that the White House only produced the documents because the Committee discovered their existence and asked for them specifically. Apparently, a valid Congressional subpoena was not good enough – asking for categories of documents yielded nothing, even though White House lawyers knew that they had information that should be turned over to Congress. It certainly appears that your lawyers would not have obtained the documents produced on June 23, 2000, but for the efforts of this Committee. That is far from acceptable. It leads to the more-than-reasonable conclusion that you are moving slowly on matters that involve the Vice President.

Another related matter of some importance is the revelation in the recently produced documents that "The OVP memorandum regarding the Vice President's computer problems has been cleared with Cheryl Mills' office." Given the paucity of interviews conducted by your subordinates, you may not be aware that Cheryl Mills is a central figure in the e-mail investigation. White House Counsel Charles Ruff explained the initial e-mail problem to her in 1998 when he first learned of it. She was in charge of determining the extent of the problem and whether there were any ramifications for document production. As we now know, Ms. Mills -- by incompetence or design -- may have prevented a number of investigative bodies, including Congress, the Justice Department, and Independent Counsels, from receiving subpoenaed documents. Indeed, any conclusion on any matter under investigation is suspect until the White House finishes its costly e-mail reconstruction project and produces documents relevant to earlier document requests. Having conducted interviews of Ms. Mills' subordinates, it is clear that Ms. Mills is the central figure in terms of the White House Counsel's Office failure to solve the e-mail problems or its failure to notify interested parties that documents were not being produced.

Perhaps Ms. Mills really was the only person in the White House at the time who was unable to understand the problem. Perhaps she is only guilty of incompetence. However, Cheryl Mills does not have a good record when it comes to the production of documents to investigative bodies. In 1995, a gym bag full of sensitive documents relating to Waco and Vincent Foster were stolen from Ms. Mills' car. In 1996, Ms. Mills argued that it might be racist to return the illegal contributions Charlie Trie had funnelled from a Buddhist cult to the President's legal defense fund. In 1997, Ms. Mills failed to produce a central piece of evidence pertaining to the investigation of the White House database. A recently published book also has disclosed that Ms. Mills argued that President Clinton should invoke Executive Privilege over the sessions in which he coached Betty Currie about upcoming testimony. Given Ms. Mills' track record regarding disclosure of information, she should obviously be a major focus of the Department's attention.

What troubles me the most with your investigation is that the Justice Department has already investigated Ms. Mills for failure to produce documents in a different case -- the White House Database case -- and it has given her a free pass. Now it is apparent that

you are dragging your feet on another investigation that involves Ms. Mills. It would seem to me that the emerging pattern and practice of failure to produce documents that seems to be tied closely to Ms. Mills would at least merit an aggressive investigation. Of course, Ms. Mills' conduct had far-reaching effects on the campaign finance investigation, as well as other investigations.

In addition to the investigative laxity regarding Ms. Mills, I am also concerned by new information produced to the Committee on June 23, 2000, that indicates that the Justice Department was told about the Vice President's e-mail problems in early 1999. In a draft May 3, 1999, memorandum to Virginia Apuzzo, Assistant to the President, the Associate Director of the Information Systems and Technology section of the White House Office of Administration states: "Department of Justice was notified by the Office of Administration, General Counsel about the loss of the Vice President's E-mail files." As I have pointed out before, the Justice Department has a serious conflict. Not only are you investigating your own political party's candidate for the presidency, you are investigating your own lawyers. Many questions naturally follow this new revelation. For example:

- Did your subordinates notify the Task Force?
- Did your subordinates have an ethical responsibility to notify Congress?
- Did your subordinates notify the Independent Counsels?
- Should your subordinates have relied on attorney-client privilege as a rationale for not informing the Campaign Financing Task Force, Congress, or independent counsels about the failure to search e-mail records at the White House, is the crime-fraud exception to the attorney-client privilege implicated?
- Did your own subordinates work to keep this matter from public prominence, which in turn would have had a negative impact on civil litigation?
- Now that you know about this matter, do you feel personally comfortable in conducting this investigation, given the centrality of this issue to your own political party's candidate for the presidency?
- Given the reality that any practical decisions made regarding how to proceed with this investigation will necessarily involve a trade-off between moving forward vigorously now to preserve evidence and testimony, and leaving the matter until after the presidential election, should you be in charge of making that decision?

These are important questions, and your approach to answering them will be of great consequence to the success – or continued failure – of the e-mail investigation.

In short, the failure to move swiftly on the e-mail matter, and the failure to follow significant factual developments, can only be seen as an extension of failures in the campaign finance investigation. If you don't ask questions, and if you don't subpoena documents, you don't get answers to questions. Even if you have excuses for why the Justice Department prosecutors did not interview witnesses in a timely fashion, you cannot successfully explain away the appearance that something is wrong. Furthermore, it should be a personal embarrassment for you to have to rely on such flimsy excuses. Just as with the failure to ask the Vice President about the Hsi Lai Temple event until

April of 2000, it is not reassuring to see the same pattern of inattention to detail in the e-mail case.

Now that you have elected not to appoint a special counsel to investigate the e-mail matter, it is my fervent hope that you will at least request your subordinates to move with more dispatch. I have frequently heard you say that you will go wherever evidence takes you. The surest way to guarantee inactivity, however, is to refrain from collecting evidence. While I am aware that your lawyers have talked to some individuals, they have been far from diligent. Indeed, just two days ago, a witness with significant probative information informed the Committee that he had not been interviewed by the Justice Department. Therefore, I request, in the strongest terms possible, that you order your staff to commence a serious investigation of possible obstruction of justice and intimidation.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman
United States District Judge Royce C. Lamberth
Louis Freeh, Director of the Federal Bureau of Investigation
Independent Counsel Robert Ray
Independent Counsel Ralph Lancaster
Independent Counsel Donald Smaltz
Independent Counsel David Barrett
Independent Counsel Carol Elder Bruce
Independent Counsel Curtis Von Kann
Members, Committee on Government Reform

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BERNARD SANDERS, VERMONT,
INDEPENDENT

July 7, 2000

The Honorable Robert Raben
Assistant Attorney General
Office of Legislative Affairs
United States Department of Justice
Washington, D.C. 20530

Dear Mr. Raben:

The Committee on Government Reform has been investigating the Justice Department's handling of a FOIA appeal relating to a Japanese citizen named Nobuo Abe. The Committee has issued two subpoenas to the Department in connection with this investigation, and has received a number of documents. As part of this investigation, Committee staff recently questioned Rebekah Poston, a friend of the Attorney General who was involved in the FOIA appeal. During the interview, Committee staff questioned Ms. Poston about certain documents the Committee had received from the Justice Department. Upon seeing one Justice Department document, Eduardo Palmer, Ms. Poston's lawyer, stated "I think we got copies of these documents through normal procedures."

After the interview, Committee majority staff asked minority staff if they had provided any subpoenaed documents to Mr. Palmer or Ms. Poston, and they stated that they had not. Therefore, if Mr. Palmer's statement was accurate, and he had received copies of the documents the Committee subpoenaed from the Justice Department, it appears possible that the documents were provided to Mr. Palmer by the Justice Department. I am unaware of any policy or protocol by which Ms. Poston would properly receive these documents. However, I hope that Mr. Palmer was merely mistaken, and has never received any documents from the Justice Department. I would appreciate a response from your staff indicating whether Mr. Palmer or Ms. Poston have ever received any documents from the Justice Department relating to the Committee's investigation of Ms. Poston.

Sincerely,

James C. Wilson
Chief Counsel

cc: Kenneth Ballen, Minority Chief Investigative Counsel

U.S. Department of Justice

Office of Legislative Affairs

Washington, D.C. 20530

July 10, 2000

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

Dear Mr. Chairman:

This is in response to your letter of May 31, 2000, seeking all documents in the possession of this Department relating to Mr. Joseph M. Gersten.

Attached are transcripts from two recent trials in which there was testimony concerning Mr. Gersten. We also have identified a number of additional records pertinent to your request. We appreciate the offer of your staff to discuss these materials and possibly to narrow your request.

We look forward to working with your staff to provide information that meets your needs.

Sincerely,

Robert Raben
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

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INDEPENDENT

July 12, 2000

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

The Honorable Beth Nolan, Esq.
Counsel to the President
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

RE: Appointment of a Special Master to Supervise Production of E-Mails Under Subpoena

Dear Madam Attorney General and Counsel to the President Nolan:

I write to suggest that you support the appointment of a Special Master to supervise production of e-mail communications currently under subpoena.

As you are aware, the White House not only failed to produce information contained in e-mail communications, it also failed to notify all interested parties that there was a universe of documents that was not even being searched for responsiveness to subpoenas from Congress, Independent Counsels, and the *Alexander* plaintiffs. As you are also aware, the Department of Justice is currently on both sides of the same case – it is appearing in court to represent the White House, and it is conducting a criminal investigation of intimidation and obstruction of justice in the e-mail matter. At the very minimum, this presents a significant conflict of interest.

Of greater importance, however, is the fact that the White House has made representations in federal district court and before Congress that do not appear to be accurate. The Committee is concerned by the inability of the White House to adhere to its representation that copying of the first batch of backup tapes was to begin in June of 2000. This representation was provided to a federal district court judge on June 2, 2000, and it was provided to this Committee by the Counsel to the President at a March 30,

2000, hearing. Although the White House has failed to apprise Congress of the status of the e-mail reconstruction project -- notwithstanding a realistic expectation, based on assurances by the White House, that some documents would have been produced by now -- it appears that there is a significant delay in the reconstruction process. Of particular concern to this Committee is that, just as the White House failed to notify the Committee in 1998 of its inability to search for documents responsive to subpoenas, the White House has also failed to communicate to Congress the present status of the e-mail reconstruction project. There can be little doubt that, as the Administration's days grow shorter, the White House's enthusiasm for completing this project will also wane. Accordingly, this Committee has no confidence that the White House will satisfy its obligations to produce information in a timely fashion. Furthermore, there is little confidence that even if the reconstruction is completed in the near future, there will be good faith compliance with the various outstanding document requests.

For these reasons, I request that you support the appointment of a Special Master to oversee production of documents to Congress, Independent Counsels, and the *Alexander* plaintiffs.

Sincerely,



Dan Burton
Chairman

cc: The Honorable Henry A. Waxman
The Honorable Royce C. Lamberth

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INDEPENDENT

July 13, 2000

The Honorable Robert Raben
Assistant Attorney General
Office of Legislative Affairs
United States Department of Justice
Tenth and Constitution Avenue, NW
Washington, DC 20530

Dear Mr. Raben:

Pursuant to Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is holding a hearing entitled "Has the Department of Justice Given Preferential Treatment to the President and Vice President?" The hearing is scheduled for Thursday, July 20, 2000, in room 2154 of the Rayburn House Office Building at 1:00 pm.

I am requesting that you testify before the Committee regarding your knowledge of this matter. To this end, you will receive a Committee subpoena requiring your presence at this hearing.

If you wish to make an opening statement, it is requested that you provide 100 copies of your written testimony to the Committee no later than 24 hours prior to the time of the hearing. Also, to facilitate printing of the hearing record, please provide a computer disk containing your testimony. At the hearing we ask that you summarize your testimony in five minutes to allow maximum time for discussion and questions.

Under the Congressional Accountability Act, the House of Representatives must be in compliance with the Americans with Disabilities Act (ADA). Persons requiring special accommodations should contact Bob Briggs at 202/225-5074 at least four business days prior to the hearing.

Please contact the Committee's Chief Counsel, James C. Wilson, at 202/225-5074 if you have any questions or need additional information about the hearing. We appreciate your willingness to appear and look forward to your testimony.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman, Ranking Minority Member

Subpena to Testify (Hearing)

By Authority of the House of Representatives of the Congress of the United States of America

To The Honorable Robert Raben, Asst. Attorney General Serve: Robert Raben

You are hereby commanded to be and appear before the Full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, in Room 2157 of the Rayburn Building, in the city of Washington, on July 20th, 2000, at the hour of 1:00PM, then and there to testify touching matters of inquiry committed to said Committee; and you are not to depart without leave of said Committee.

To Maria Pia Tamburri or the US Marshal Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 13th day of July, ~~19~~ 2000

Dan Burton

Chairman.

Attest:

Jeff Trandahl

Clerk.

by Martha C. Morrison

Deputy Clerk

Subpena for The Honorable Robert Raben, Asst. Attorney General, Legislative Affairs Serve: Robert Raben

Tenth and Constitution Avenue, NW

Washington, DC 20530

before the Committee on the

Government Reform

Served by: Maria Tamburri

TO: John Tanner

via facsimile & First Class Mail

7/13/00 @ 5:15pm

House of Representatives

GPO: 1990 31-267 (m)

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DAVID VITTER, LOUISIANA

ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

MAJORITY (202) 225–5074
MINORITY (202) 225–5051
TTY (202) 225–6852

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER
TOM LANTOS, CALIFORNIA
ROBERT E. WISE, JR., WEST VIRGINIA
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HAROLD E. FORD, JR., TENNESSEE
JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

July 13, 2000

Robert Conrad, Esq.
Supervising Attorney
Campaign Financing Task Force
c/o Office of Legislative Affairs
United States Department of Justice
Tenth and Constitution Avenue, NW
Washington, DC 20530

Dear Mr. Conrad:

Pursuant to Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is holding a hearing entitled "Has the Department of Justice Given Preferential Treatment to the President and Vice President?" The hearing is scheduled for Thursday, July 20, 2000, in room 2154 of the Rayburn House Office Building at 1:00 pm.

I am requesting that you testify before the Committee regarding your knowledge of this matter. To this end, you will receive a Committee subpoena requiring your presence at this hearing.

If you wish to make an opening statement, it is requested that you provide 100 copies of your written testimony to the Committee no later than 24 hours prior to the time of the hearing. Also, to facilitate printing of the hearing record, please provide a computer disk containing your testimony. At the hearing we ask that you summarize your testimony in five minutes to allow maximum time for discussion and questions.

Under the Congressional Accountability Act, the House of Representatives must be in compliance with the Americans with Disabilities Act (ADA). Persons requiring special accommodations should contact Bob Briggs at 202/225-5074 at least four business days prior to the hearing.

Please contact the Committee's Chief Counsel, James C. Wilson, at 202/225-5074 if you have any questions or need additional information about the hearing. We appreciate your willingness to appear and look forward to your testimony.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman, Ranking Minority Member

Subpena to Testify (Hearing)

By Authority of the House of Representatives of the Congress of the United States of America

To Robert Conrad, Campaign Finance Task Force Serve: Robert Conrad

You are hereby commanded to be and appear before the Full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, in Room 2157 of the Rayburn Building, in the city of Washington, on July 20th, 2000, at the hour of 1:00PM, then and there to testify touching matters of inquiry committed to said Committee; and you are not to depart without leave of said Committee.

To Maria Pia Tamburri or the US Marshal Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 19th day of July, 19 2000

Dan Burton
Chairman.

Attest:

Jeff Trandahl
Clerk.
by Martha C. Morrison
Deputy Clerk

Subpena for Robert Conrad, Campaign Finance Task Force

Serve: Robert Conrad

Tenth & Constitution Avenue, NW

Washington, DC 20530

before the Committee on the

Government Reform

Served by: Maria Pia Tamburri

To: John Tanner

via facsimile and first class mail

7/13/00 @ 5:15pm

House of Representatives

GPO: 1990 31-267 (m)

DAN BURTON, INDIANA
CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
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DAVID VITTER, LOUISIANA

ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

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HAROLD E. FORD, JR., TENNESSEE
JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

July 13, 2000

The Honorable James Robinson
Assistant Attorney General
Criminal Division
c/o Office of Legislative Affairs
United States Department of Justice
Tenth and Constitution Avenue, NW
Washington, DC 20530

Dear Mr. Robinson:

Pursuant to Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is holding a hearing entitled "Has the Department of Justice Given Preferential Treatment to the President and Vice President?" The hearing is scheduled for Thursday, July 20, 2000, in room 2154 of the Rayburn House Office Building at 1:00 pm.

I am requesting that you testify before the Committee regarding your knowledge of this matter. To this end, you will receive a Committee subpoena requiring your presence at this hearing.

If you wish to make an opening statement, it is requested that you provide 100 copies of your written testimony to the Committee no later than 24 hours prior to the time of the hearing. Also, to facilitate printing of the hearing record, please provide a computer disk containing your testimony. At the hearing we ask that you summarize your testimony in five minutes to allow maximum time for discussion and questions.

Under the Congressional Accountability Act, the House of Representatives must be in compliance with the Americans with Disabilities Act (ADA). Persons requiring special accommodations should contact Bob Briggs at 202/225-5074 at least four business days prior to the hearing.

Please contact the Committee's Chief Counsel, James C. Wilson, at 202/225-5074 if you have any questions or need additional information about the hearing. We appreciate your willingness to appear and look forward to your testimony.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman, Ranking Minority Member

Subpena to Testify (Hearing)

By Authority of the House of Representatives of the Congress of the United States of America

To James Robinson, Asst. Attorney General Criminal Division Serve: James Robinsc

You are hereby commanded to be and appear before the Full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, in Room 2157 of the Rayburn Building, in the city of Washington, on July 20th, 2000, at the hour of 1:00PM, then and there to testify touching matters of inquiry committed to said Committee; and you are not to depart without leave of said Committee.

To Maria Pia Tamburri or the US Marshal Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 13th day of July, XX 2000

Dan Burton

Chairman.

Attest:

Jeff Trandahl

Clerk.

by Martha C. Marrison

Deputy Clerk

Subpena for James Robinson, Asst. Attorney General Criminal Division

Serve: James Robinson

Tenth and Constitution Avenue, NW

Washington , DC 20530

before the Committee on the

Government Reform

Served by: Maria Pia Tamboni

To: John Tanner

via facsimile and first mail

7/13/00 @ 5:15pm

House of Representatives

GPO: 1990 31-267 (m)

DAN BURTON, INDIANA,
CHAIRMAN
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ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM
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HAROLD E. FORD, JR., TENNESSEE
JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

July 13, 2000

Alan Gershel, Esq.
Deputy Assistant Attorney General
Criminal Division
c/o Office of Legislative Affairs
United States Department of Justice
Tenth and Constitution Avenue, NW
Washington, DC 20530

Dear Mr. Gershel:

Pursuant to Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is holding a hearing entitled "Has the Department of Justice Given Preferential Treatment to the President and Vice President?" The hearing is scheduled for Thursday, July 20, 2000, in room 2154 of the Rayburn House Office Building at 1:00 pm.

I am requesting that you testify before the Committee regarding your knowledge of this matter. To this end, you will receive a Committee subpoena requiring your presence at this hearing.

If you wish to make an opening statement, it is requested that you provide 100 copies of your written testimony to the Committee no later than 24 hours prior to the time of the hearing. Also, to facilitate printing of the hearing record, please provide a computer disk containing your testimony. At the hearing we ask that you summarize your testimony in five minutes to allow maximum time for discussion and questions.

Under the Congressional Accountability Act, the House of Representatives must be in compliance with the Americans with Disabilities Act (ADA). Persons requiring special accommodations should contact Bob Briggs at 202/225-5074 at least four business days prior to the hearing.

Please contact the Committee's Chief Counsel, James C. Wilson, at 202/225-5074 if you have any questions or need additional information about the hearing. We appreciate your willingness to appear and look forward to your testimony.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman, Ranking Minority Member

Subpena to Testify (Hearing)

By Authority of the House of Representatives of the Congress of the United States of America

To Alan Gershel, Deputy Asst. Attorney General, Criminal Division Serve: Alan Gers

You are hereby commanded to be and appear before the Full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, in Room 2157 of the Rayburn Building, in the city of Washington, on July 20th, 2000, at the hour of 1:00PM, then and there to testify touching matters of inquiry committed to said Committee; and you are not to depart without leave of said Committee.

To Maria Pia Tamburri or the US Marshal Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 13th day of July, ~~19~~ 2000

Dan Burton

Chairman.

Attest:

Jeff Trandahl

Clerk.

by Martha C. Morrison

Deputy Clerk

Subpena for Alan Gershel, Deputy Asst. Attorney General, Criminal Division

Serve: Alan Gershel

Department of Justice, 950 Pennsylvania Avenue, NW

Room 2110, Washington, DC 20530

before the Committee on the

Government Reform

Served by: Maria Pia Tamburri

TO: John Tanner

via facsimile & first class mail

7/13/00 @ 5:15pm

House of Representatives

GPO: 1990 31-267 (m)

DAN BURTON, INDIANA
CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
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ONE HUNDRED SIXTH CONGRESS

Congress of the United States

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HAROLD E. FORD, JR., TENNESSEE
JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

July 18, 2000

Richard L. Huff, Esq.
Co- Director, Office of Information and Privacy
c/o John Tanner, Legislative Affairs
United States Department of Justice
Tenth and Constitution Avenue, NW
Washington, DC 20530

Dear Mr. Huff:

Pursuant to Rules X and XI of the Rules of the House of Representatives, the Committee on Government Reform is holding a hearing entitled "Felonies and Favors: a Friend of the Attorney General Gathers Information from the Justice Department." The hearing is scheduled for Thursday, July 27, 2000, in room 2154 of the Rayburn House Office Building at 10:00 am.

I am requesting that you testify before the Committee regarding your knowledge of this matter. To this end, you will receive a Committee subpoena requiring your presence at this hearing.

If you wish to make an opening statement, it is requested that you provide 100 copies of your written testimony to the Committee no later than 24 hours prior to the time of the hearing. Also, to facilitate printing of the hearing record, please provide a computer disk containing your testimony. At the hearing we ask that you summarize your testimony in five minutes to allow maximum time for discussion and questions. Also, Rule 12 of the Committee on Government Reform requires that witnesses, "when appearing in a non-governmental capacity, provide a curriculum vitae and a listing of any Federal Government grants and contracts received in the previous fiscal year."

Under the Congressional Accountability Act, the House of Representatives must be in compliance with the Americans with Disabilities Act (ADA). Persons requiring special accommodations should contact Bob Briggs at 202/225-5074 at least four business days prior to the hearing.

Please contact the Committee's Chief Counsel, James C. Wilson, at 202/225-5074 if you have any questions or need additional information about the hearing. We appreciate your willingness to appear and look forward to your testimony.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman, Ranking Minority Member

DAN BURTON, INDIANA
CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
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JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

July 18, 2000

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Dear Madam Attorney General:

A very long time ago I provided the Justice Department with what I believe to be significant information about Vice President Gore and his knowledge of important aspects of the 1996 campaign finance scandal. For some reason, you have chosen to ignore this information. It was my hope that you would follow up on the information provided. However, you have interviewed the Vice President five times and you have failed to ask a single question about this matter. Therefore, I feel compelled to raise this issue once again.

But for this Committee's subpoena to obtain interview transcripts of the President and Vice President, the American people would not have learned about the Justice Department's failure to ask the President about foreign money, or the failure to ask the Vice President about the Hsi Lai Temple. But for this letter, the American people would not have learned that your Justice Department is completely disinterested in asking a single question about what appears to be a suggestion by the Vice President to show illegally funded political advertisements to Indonesian billionaire James Riady.

The new information that you have chosen to ignore is perhaps more deeply troubling than any of the information that has been publicly disclosed. The fact that your Campaign Finance Task Force chose not to ask the Vice President about this information when it re-interviewed the Vice President earlier this year is astounding. There is no excuse for ignoring this evidence, just as there is no excuse for your waiting nearly four years to ask the President about foreign money or ask the Vice President about the Hsi Lai Temple.

I provided the Justice Department ample time to ask questions about this new evidence and your investigation did nothing. Therefore, let me explain again, so that at least there is a public record of your having been put on notice, why I am so concerned.

After failing to comply with this Committee's March 4, 1997, subpoena, the White House finally was forced to turn over video tapes of White House fundraising events. The White House provided poor quality VHS tapes of Beta recordings. Among the material produced by the White House was a video tape of a December 15, 1995, White House coffee. The Committee recently subpoenaed the original Beta tape of the event, and the audio portion of this tape appears to indicate that Vice President Albert Gore, Jr. suggested that Democratic National Committee issue advertisements be played for Indonesian billionaire James Riady. The Vice President apparently states:

> We oughta, we oughta, we oughta show Mr. Riady the tapes, some of the ad tapes.

Apart from the President, and perhaps some fundraisers, the only guest at this coffee who knew Mr. Riady was Indonesian gardener Arief Wiriadinata. His father-in-law was a partner of Mr. Riady and he illegally gave $455,000 to the Democratic National Committee in 1995 and 1996. Given the Vice President's apparent location in the room – and the apparent location of Mr. Wiriadinata – it is a reasonable assumption that Vice President Gore was making this suggestion to Mr. Wiriadinata. It would indeed be extraordinary for the Vice President to suggest showing political issue advertisements to an Indonesian billionaire who lives in Jakarta, Indonesia.

You should also be aware that – according to the Vice President's recent sworn testimony – just four days before the Vice President made this statement, he was in Chicago showing tapes of the issue advertisements "for the purpose of discussing the media fund with likely contributors."[1] Thus, in the Vice President's mind, there was a clear nexus between the political advertisements and political contributors. Thus, one logical conclusion is that the Vice President had an understanding that there was a benefit associated with showing Mr. Riady the issue advertisements.

At a minimum, it is deeply disturbing that the Justice Department has failed to take this piece of potential evidence seriously. The Vice President has never been asked about this exchange. Fundamental fairness, it would seem, requires the Justice Department to at least ask questions to see if the Vice President did indeed suggest showing political advertisements to Mr. Riady. Furthermore, it is my hope that you will ask such questions in the near future, and not wait as long – three years and seven months – as it took to raise the Hsi Lai Temple matter with the Vice President.

The apparent statement by the Vice President to Mr. Wiriadinata suggests certain basic questions that should have been asked at least three years ago:

1. Did the Vice President make this suggestion to Mr. Wiriadinata? If so, why?

[1] Transcript of Campaign Financing Task Force Interview with Vice President Albert A. Gore, Jr., November 11, 1997.

2. Did Mr. Riady's money help pay for the Democratic National Committee issue advertisements?

3. Did Mr. Gore know anything about Mr. Riady's campaign contributions and how they related to the issue advertisement campaign?

4. In his Justice Department interview, the Vice President stated that he had seen James Riady only "twice in my life." One of those times was in Malaysia and the other time was "when he was in Betty Currie's office preparing to go in to see the President with a couple of other people."[2] The Vice President does not describe the type of relationship with Mr. Riady that would lead him to suggest a private screening of political advertisements in Jakarta, Indonesia. Therefore, if the Vice President made a suggestion about showing tapes to Mr. Riady, what did he know about Mr. Riady that would lead him to make this suggestion in the presence of Mr. Wiriadinata?

5. If Vice President Gore made this statement, what did Vice President Gore know about Mr. Wiriadinata's relationship with Mr. Riady that would have made him comfortable with the suggestion about showing Mr. Riady issue advertisements in Jakarta, Indonesia?

6. Why have your subordinates avoided questioning Vice President Gore about these matters? At a minimum, it would have been relatively simple to have at least raised the issue. You have interviewed Vice President Gore five times and not once has anyone asked a question about Mr. Wiriadinata.

7. Have you refrained from asking questions about this matter because of concerns about asking the Vice President questions that would be difficult for him to answer during an election year?

When this tape – one withheld from this Committee by the White House for a considerable period of time, I might add – was brought to the attention of the Justice Department, I expected your investigators to move forward with dispatch. Unfortunately, nearly half a year has passed, and I am concerned that your Department has been sitting on important information in order to benefit the President and the Vice President.

As I have said repeatedly since we obtained the President's and Vice President's FBI interview summaries in 1999, I have grave concerns that your subordinates failed to ask important questions of the President and Vice President for so long. A three year and seven month delay in asking the Vice President a single question about the Hsi Lai Temple is inexplicable. While you say frequently that an independent counsel for the campaign finance scandal was unnecessary, I am left only with the fact of questions not asked and leads not followed. Your prosecutors were complaining of legal "gamesmanship" and "contortions." At the same time, other advisers were leaking information beneficial to friends of the President and defendants in prosecutions. In addition, while this was going on, you were giving the President and Vice President

[2] Transcript of Campaign Financing Task Force Interview with Vice President Albert A. Gore, Jr., April 18, 2000, at pp. 109-110.

preferential treatment by failing to ask necessary questions or subpoena documents. When the Vice President wanted to release evidence that you had withheld from Congress, you were complicit. Furthermore, your subordinates have still failed to subpoena important documents from the White House.

To recapitulate:

- John Huang testified that Mr. Riady allegedly offered the President one million dollars in 1992 for his Presidential campaign.
- Mr. Riady did in fact provide at least $800,000 in illegal campaign contributions to the Clinton-Gore campaign and the DNC.
- Mr. Wiriadinata and his wife gave at least $455,000 in political contributions to the DNC over a short period of time.
- Vice President Gore appears to suggest that "we" should show the political advertisements made in late 1995 to a non-citizen living in Jakarta, Indonesia.
- The Vice President, just days before he appears to have made this suggestion, was using the political advertisements to show people what their political contributions were paying for and, presumably, to encourage them to give more.
- Eleven days before Vice President Gore appears to make this statement to Mr. Wiriadinata, John Huang began working at the DNC.

Your record in the campaign finance investigation is unfortunate. I watched your testimony recently about campaign finance matters. The thing that struck me was the complete divergence between what you said, and what has actually happened. The facts all support the plain conclusion that you have failed to do even a minimally competent job. Each time you talk about the campaign finance investigation you talk about the indictments brought by the Justice Department. Yet, to me, you sound like the captain of the Titanic explaining how the water may be cold, but things aren't so bad because the first half of the trip went fairly well. From my perspective, and from the perspectives of some of the senior lawyers in your own investigation, it appears that you have treated senior political officials differently than low level conduit contributors.

Now that it is 2000, at a minimum, please take a serious look at the December 15, 1995, White House coffee tape and determine if the Vice President did indeed make the following statement:

> We oughta, we oughta, we oughta show Mr. Riady the tapes, some of the ad tapes.

If you are interested, the Committee on Government Reform has the original Beta tape and I would be willing to make arrangements to furnish this evidence to you.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman
The Honorable Members, Committee on Government Reform
Louis Freeh, Director of the Federal Bureau of Investigation

U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535

July 24, 2000

Andre Hollis, Esq.
Senior Counsel
Committee on Government Reform
and Oversight
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Hollis:

For nearly a year, the FBI has been working with the Committee to produce documents relating to the events at Waco, Texas pursuant to the Committee's subpoena dated September 1, 1999, and letter from the Committee dated October 8, 1999. I would like to take this opportunity to thank you and the Committee for your continued cooperation, patience and understanding throughout this process.

As we discussed this morning, the FBI is nearing the end of document production to the Committee. To date, the FBI as produced over 122,000 pages of documents, 11,000 photographs and nearly 500 audio tapes. At this point, the FBI has approximately 45,000 pages of material remaining to be reviewed. With regard to that material, you and I have reached the following agreement:

1. Approximately 14,000 pages remain to be reviewed of the responses to the Electronic Communications sent to FBI field offices, legal attache offices and Headquarters divisions for Waco-related material. You have previously reviewed all of this material at FBI Headquarters. Although we anticipate that a large portion will be duplicative of those documents previously produced to the Committee, the FBI will review these pages and produce any new material.

2. Another group of approximately 14,000 pages consists of documents from the Office of the General Counsel. Included in these materials are non-core, non-privileged documents, as well as

Andre Hollis, Esq.

pleadings filed with the Court and other documents in the public domain. Pursuant to our agreement of April 5, 2000, the FBI is maintaining these materials at Headquarters and will make them available for your review.

3. Another 18,000 pages consists of materials related to the Federal grand jury investigation of the Ruby Ridge incident that were provided by the Office of Professional Responsibility. Because some of the same individuals deployed to Ruby Ridge were also deployed at Waco, we considered this material potentially responsive to your request. You have advised, however, that the Committee need not review this material at this time.

4. Finally, the Department of Justice regularly sends "referrals" to the FBI of FBI documents contained in DOJ files. By definition, most, if not all, of those documents are likely to be duplicates of FBI documents previously produced to the Committee. Pursuant to our agreement, the FBI will maintain those documents at Headquarters for your review.

I believe that this accurately reflects our agreement and, again, would like to thank you for your cooperation. Please do not hesitate to contact me if you have any questions.

Sincerely,

Eleni P. Kalisch
Special Counsel
Office of Public and
Congressional Affairs

U.S. Department of Justice

Office of Legislative Affairs

Washington, D.C. 20530

July 25, 2000

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

Dear Mr. Chairman:

This is in reference to the hearing scheduled for July 27, 2000, at which one current and two former Department employees have been invited to testify concerning actions during their service in the Department.

We have been advised by your staff that current plans are to have two panels at the hearing, the first consisting of a private attorney and two investigators, and a second panel with the Department witnesses and a private attorney. We respectfully request that you reconsider these plans and adhere to the usual protocol that executive branch witnesses appear on a distinct and separate panel ahead of witnesses outside the legislative branch, and without any witnesses from outside the executive branch. This courtesy is a normal part of the consideration offered to representatives of co-equal branches of government, and avoids confusion as to which views expressed are those of the government and which are from others.

We appreciate your cooperation in this matter.

Sincerely,

Robert Raben
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

U.S. Department of Justice

Office of Legislative Affairs

Washington, D.C. 20530

July 25, 2000

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

Dear Mr. Chairman:

This is in response to your letter of July 7, 2000, inquiring whether this Department provided any documents to Mr. Eduardo Palmer or Ms. Rebekah Poston in connection with the Committee's investigation of a 1995 Freedom of Information Act request made by Ms. Poston.

On May 22, 2000, the Office of Information and Privacy, provided documents to Ms. Poston following your subpoena of records from that office concerning Ms. Poston. The documents were provided to Ms. Poston pursuant to 5 U.S.C. 552a(e)(8). A copy of the cover letter is attached. Your Committee possesses, of course, copies of the documents provided to Ms. Poston.

Please contact me if you have further questions.

Sincerely,

Robert Raben

Robert Raben by FT
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

U.S. Department of Justice

Office of Information and Privacy

Telephone: (202) 514-3642 *Washington, D.C. 20530*

MAY 22 2000

Rebekah J. Poston, Esq.
Steel, Hector & Davis LLP
2000 South Biscayne Blvd.
Miami, FL 33131-2398

Re: Appeal Nos. 95-0283 thru 95-0287
RLH:BVE

Dear Ms. Poston:

The Department of Justice has been served with a subpoena duces tecum by the Committee on Government Reform of the United States House of Representatives requiring the production of documents related to the Freedom of Information Act appeals made by you on behalf of your client, Soka Gakkai, in 1995 (copy enclosed).

Pursuant to the Privacy Act of 1974, I am required to "make reasonable efforts to serve notice on an individual when any record on such individual is made available to any person under compulsory legal process when such process becomes a matter of public record." See 5 U.S.C. § 552a(e)(8). I am enclosing a copy of the records we produced for the Committee on May 15, 2000. Because these records were retrieved by the use of both your name and the name of your client, I am requesting that you inform your client of this fact.

Sincerely,

Richard L. Huff
Co-Director

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Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

MAJORITY (202) 225–5074
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BERNARD SANDERS, VERMONT,
INDEPENDENT

July 26, 2000

The Honorable Robert Raben
Assistant Attorney General
United States Department of Justice
Washington, D.C. 20530

Dear Mr. Raben:

I am writing in response to your letter of July 25, 2000. In your letter, you requested that I follow the "usual protocol" and call three Justice Department witnesses before, and separate from, other private parties appearing at the Committee's July 27, 2000, hearing.

I regret to inform you that the Chairman will not be able to grant your request. It clearly is not the "usual protocol" for Executive Branch officials to appear before private parties at this Committee's hearings. For example, several weeks ago, Secretary Bill Richardson, Administrator Carol Browner, and Chairman Robert Pitofsky all appeared on a panel after a panel of private citizens who had been affected by high gasoline prices. Before that, at a hearing on September 21, 1999, regarding the President's grant of clemency to the Puerto Rican terrorists, a panel of private citizens testified before a panel of Justice Department witnesses, including your predecessor, Acting Assistant Attorney General Jon Jennings. The Justice Department never voiced any objection to the arrangements at the September 21, 1999, hearing.

At this particular hearing, the facts being presented before the Committee are rather convoluted. The first panel is testifying about actions and events that took place before the actions and events that will be discussed by the second panel. To present these facts in reverse chronological order would be confusing.

The second portion of your request is to have the Justice Department officials appear on a panel separate from Rebekah Poston. Again, it is not the "usual protocol" for government witnesses to appear separate from private citizens. In performing just cursory research, the Committee found several examples of hearings with government and private citizen witnesses on the same panel. At a July 13, 1994, Committee on Energy and Commerce, Subcommittee on Energy and Power hearing, Assistant Secretary of Energy Susan F. Tierney appeared on a panel with representatives from the Electricity

Consumers Resources Council, the Regulatory Assistance Project, and the Consumer Advocate of Pennsylvania. At a May 8, 1998, hearing before the Committee on Education and Workforce, Subcommittee on Oversight and Investigations, Charles Jeffress, Assistant Secretary of OSHA, and John Fraser, Acting Administrator, Wage and House Division, Department of Labor, appeared on the same panel with representatives from the U.S. Chamber of Commerce and the California Fashion Association. Even the Department of Justice has participated in the same panel with a private citizen. At a July 15, 1998, Committee on Resources hearing, Peter Coppelman, Deputy Assistant Attorney General for the Environment and Natural Resources Division of the Department of Justice, testified in the same panel with the second vice president of the Arizona Cattlemen's Association. There are certainly numerous additional examples of placing Administration witnesses on the same panel as private parties.

As you are aware, there are two major subjects to be explored at this hearing: (1) efforts by Ms. Poston to obtain illegally information from the NCIC database; and (2) Ms. Poston's contacts with senior Justice Department staff resulting in an exception to long-standing Justice Department FOIA policy. The panel consisting of Ms. Poston, Mr. Huff, Mr. Schmidt, and Mr. Hogan will focus on the second issue. Ms. Poston had a number of contacts with all of the Department witnesses, and it is essential that the Committee be able to question all of the witnesses simultaneously about those contacts, so that it can determine how Ms. Poston was able to obtain an exception to the Department's policy.

You suggest that it would cause "confusion" to have Ms. Poston appear with the Administration witnesses. However, I would suggest that your proposal would cause much greater confusion and delay. While the Justice Department's respect for long-standing policy is refreshing, the Chairman is not able to grant your request.

Sincerely,

James C. Wilson
Chief Counsel

cc: Kenneth Ballen, Esq., Minority Chief Investigative Counsel

DAN BURTON, INDIANA
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JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

August 1, 2000

Honorable Robert Raben
Assistant Attorney General
United States Department of Justice
Washington, D.C. 20530

RE: December 15, 1995, Betacam Tape

Dear Robert:

Please inform the Committee on Government Reform whether Laura Ingersoll, Charles La Bella, David Vicinanzo or Campaign Financing Task Force chief Robert Conrad have ever viewed and listened to the original Betacam tape of the December 15, 1995, White House coffee produced by the White House Communications Agency. Please respond by August 4, 2000.

Sincerely,

James C. Wilson
Chief Counsel

cc: Robert Conrad, Esq.
Kenneth Ballen, Esq.

U.S. Department of Justice

Office of Legislative Affairs

Washington, D.C. 20530

August 4, 2000

Mr. James Wilson
Chief Investigative Counsel
Committee on Government Reform
U.S. House of Representatives
Washington, D.C. 20515-6215

Dear Mr. Wilson:

This is in response to your letter of August 1, 2000, in which you inquire whether specific Department prosecutors have seen the original version of a videotape of a White House coffee. As Assistant Attorney General James K. Robinson indicated at the July 20, 2000 hearing before the Committee, it would be inappropriate for this Department to provide such information concerning an ongoing investigation, both in terms of the ethical responsibilities of federal prosecutors, and in terms of our duty to avoid any appearance of undue external influence on our investigations.

If you have further questions, please contact me.

Sincerely,

for Robert Raben JT
Robert Raben
Assistant Attorney General

cc: Ken Ballen
Minority Chief Investigative Counsel

DAN BURTON, INDIANA,
CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
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BERNARD SANDERS, VERMONT,
INDEPENDENT

August 8, 2000

The Honorable Louis J. Freeh
Director
Federal Bureau of Investigation
935 Pennsylvania Aveenue NW
Washington, DC 20535

Dear Director Freeh:

Last fall the Committee on Government Reform received and reviewed a copy of the *Report to the Secretary of Defense, the Attorney General, and the Secretary of the Treasury, DEPARTMENT OF DEFENSE Military Assistance Provided at the Branch Davidian Incident, August 1999* (GAO/NSIAD/OSI-99-133).

After receipt of the GAO's supporting documents, my staff requested the Department of Defense (DOD) to explain the purported delivery of 250 high explosive (HE) rounds to agents of the Federal Bureau of Investigation (FBI) at Ft. Hood during the Waco standoff. Representatives within the DOD Office of General Counsel indicated they were inquiring into the matter. On August 2, 2000 the Committee received correspondence and associated documents discussing the results of DOD's inquiry into this matter. I have attached a copy of this material.

Within the DOD material it is asserted that the FBI's Office of General Counsel informed DOD that the FBI does not have any documents or information, other than a computerized spreadsheet, indicating that the FBI requested or received HE rounds in connection with the Branch Davidian operation. DOD goes on to indicate they are unable to make a definitive determination as to whether the HE rounds were provided to the FBI.

I request that you review the results of the DOD inquiry and inform the Committee in writing whether the FBI received any HE rounds from any munitions source within DOD in connection with the Branch Davidian operation. I further request that you respond back not later than August 21, 2000 to facilitate the Committee's timely resolution of this issue.

Mr. Thomas Bowman, Senior Counsel, Committee on Government Reform, is my point of contact regarding this issue and he may be reached at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman
Ranking Member

FBI FACSIMILE COVER SHEET

PRECEDENCE	CLASSIFICATION
____ Immediate	__ Top Secret
____ Priority	__ Secret
__X__ Routine	__ Confidential
	__ Sensitive
	__X__ Unclassified

DATE: August 18, 2000

TO: **Andre Hollis**

FAX NO.: 202/225-3974

FROM: Eleni P. Kalisch
Special Counsel
Office of Public and Congressional Affairs
TEL (202) 324-5051
FAX [redacted]

NUMBER OF PAGES: 3 (including cover page)

COMMENTS:

In response to your request, attached is a list of estimated/actual costs of Waco through July 29, 1993. The document is not exactly clear to me so I am trying to find someone in the Finance Division to explain it to me. I will be in touch.

Question #6

WACMUR – MAJOR CASE #80
ESTIMATED COSTS OF INVESTIGATION 02/28/93 – 07/29/93

PERSONNEL COSTS	# of Personnel	Per Day	Days	Cost
Agent				
Prior Period 02/28 to 07/22				$4,773,433
Current Period:				
FBIHQ	0	$448	7	$0
Field (Waco RA)	1	$359	7	2,513
Total Current Period	1			$2,513
Non–Agent				
Prior Period 02/28 to 07/22				$319,535
Current Period:				
FBIHQ	0	$154	7	$0
Field (Austin RA)	0	$131	7	0
Total Current Period	0			$0
Total Estimated Personnel Costs				$5,095,481
EXTRAORDINARY COSTS				
Per Diem $1,080,704 +	0	$78	7	$1,080,704
*Equipment Costs (Rental)				$276,023
Transportation				$54,587
*Supplies/Miscellaneous				$175,248 (1)
Overtime for non–Agents @ $20/hour				$287,140
Planes				$460,868
Helicopters (2) @ $675/hour				$197,646
**Other Costs and Potential Liabilities (Total From Attached Itemized List)				$1,128,574 (2)
Total Estimated Extraordinary Costs				$3,861,890
TOTAL ESTIMATED COSTS				$8,757,371

*Actual Expenses
**See attached schedule

(est.) <176,248> (1)
(est.) <1,128,674> (2)
(actual) +2,273,157.09 (3)
$9,725,606.09

AREAS OF CONCERN
OTHER COSTS AND POTENTIAL LIABILITIES

ACTUAL EXPENSES			
--Stereo system rental		$14,366.53	14366.53
--All telephone expenses (Command Post, Lease Lines, authorized personal calls)		$25,126.01	22,806.01
--Flood lights		$3,420.64	3420.64
--Repair of military vehicles		$174,313.13	91,168.00
--Repairs to command post		$1,800.00	1,800.00
--Expenses related to robotics technology used		$70,877.29	55,000.00
	Subtotal	$289,903.60	
ESTIMATED EXPENSES			
--Repair/replacement of 1 (one) helicopter which crashed on 4/15/93		$700,000.00	239,476.00
--Military transport costs for HRT		$72,000.00	89,500.00
--Rental of vehicles		$65,770.84	67,526.84
--Automobile accident at which Bureau employee was at fault		$8,930.00	
	Subtotal	$838,770.84	
POTENTIAL LIABILITY EXPENSES (2-YEAR FEDERAL STATUTE OF LIMITATIONS ON TORT LITIGATION)			
--Relocation of neighbors surrounding the Branch Davidian Compound			
--Fees for modification and use of private residences			
--Potential liability for replacement of 1 (one) reporter's vehicle damaged by tank			
--Potential liability for damage to Branch Davidian property			
MISCELLANEOUS			
--Repairs to roads damaged by tanks		Paid for by county and state	
--Rental fees for command post owned by Chrysler Technologie		No rental fees charged	
--Overtime costs for state and local police officers		Paid by DOJ	
	TOTAL	**$1,128,674.44**	

U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

August 21, 2000

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

Dear Mr. Chairman:

I am writing in response to your letter to Director Freeh dated August 8, 2000, in which you asked whether the FBI received any High Explosive (HE) Rounds from the Department of Defense (DoD) in connection with the Branch Davidian operation near Waco, Texas in 1993.

The FBI has not identified any documentation or information which confirms that the FBI requested or received HE rounds from any munitions source within DoD in connection with the Waco-related events. Numerous interviews of the individuals deployed to Waco reflect no recollection of the FBI requesting or receiving HE rounds from DoD for any purpose, including training/target practice.

The FBI defers to the lengthy record submitted to you by DoD on July 26, 2000 which suggests that HE rounds were not provided to the FBI during the Branch Davidian operation. Despite the best efforts of DoD and the FBI to "prove a negative," we recognize that the record before the Committee is inconclusive. As mentioned by DoD, however, the critical point to remember is that the FBI did not fire any HE rounds during the Branch Davidian operation.

Please feel free to contact me if you have any questions.

Sincerely,

John E. Collingwood
Assistant Director
Office of Public and
Congressional Affairs

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To U.S Department of Justice Serve: Attorney General Janet Reno

You are hereby commanded to produce the things identified on the attached schedule before the Full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building , in the city of Washington, on August 31st, 2000, at the hour of 5:00pm

To Maria Pia Tamburri

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 24th day of August ~~XX~~ 2000

Dan Burton
Chairman.

Attest:

Jeff Trandahl
by Thomas C. Vans *Clerk.*

Subpoena for U.S Department of Justice Serve: Attorney General Janet Reno

Tenth Street and Constitution Avenue, NW

Washington, DC 20530

before the Committee on the

Government Reform

Served by Maria Tamburri

To Robert Raben

via facsimile and First-class

mail 8/25/00 11:00am

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Government Reform Committee
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

United States Department of Justice
Serve: Attorney General Janet Reno
Tenth Street & Constitution Avenue N.W.
Washington, D.C. 20530

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions, please contact Chief Counsel James C. Wilson at (202) 225-5074.

Definitions and Instructions

(1) For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

(2) For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

(3) This subpoena calls for the production of records, documents and compilations of data

and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

(4) The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

(5) No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

(6) If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

(7) When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by data, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

(8) This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

Subpoenaed Items

Please produce to the Committee the following records:

1. Any report or memorandum by Robert Conrad recommending the appointment of a special counsel to investigate Vice President Gore; and

2. Any other reports or memoranda prepared during 2000 regarding the appointment of a special counsel to investigate Vice President Gore.

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BERNARD SANDERS, VERMONT,
INDEPENDENT

August 25, 2000

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

RE: Recommendations Regarding Appointment of a Special Counsel

Dear General Reno:

On Wednesday you announced that you would not follow Campaign Financing Task Force Supervising Attorney Robert Conrad's recommendation to appoint a special counsel to investigate allegations of illegal conduct by Vice President Albert Gore, Jr. Your decision was not a surprise. From my perspective, it was not a surprise because you have a well-developed track record of doing the wrong thing when it comes to the campaign finance investigation. You do not follow recommendations that are designed to promote confidence in the investigation, and you cling to the belief that it is appropriate for you – a career Democratic elected official – to make the key decisions when it comes to investigating your own party and your own boss. Furthermore, you have stood idly by while your political subordinates leak information that undercuts your own investigation. You also have permitted gross derelictions of duty, including:

- A failure to ask the President a single question about the Riady family until April 21, 2000.
- A failure to ask the President a single question about illegal foreign money contributed in the 1996 election cycle until April 21, 2000.
- A failure to ask the Vice President a single question about the Hsi Lai Temple fundraising event until April 18, 2000.
- A failure to ask the Vice President a single question about an exchange in which he appears to say to Arief Wiriadinata, a man responsible for $455,000 in illegal campaign contributions, "we oughta, we oughta, we oughta show Mr. Riady the tapes, some of the ad tapes." Nor did you ask about the apparent response from one of the Presidential coffee attendees: "I'll see if I can do that."

In fact, it appears that you are purposefully avoiding reviewing the original evidence regarding possible comments by the Vice President about showing issue advertisement tapes to Mr. Riady, even though you have known about this evidence for almost nine months. Word was leaking out of the Justice Department earlier this year that your prosecutors were very interested in this apparent statement by the Vice President. However, after Assistant Attorney General James Robinson, Deputy Assistant Attorney General Alan Gershel, Assistant Attorney General Robert Raben, and Campaign Financing Task Force Supervising Attorney Robert Conrad were asked about this evidence at a public hearing, the Justice Department seems no longer interested in following up on something that was once a matter of interest. Making matters worse, you stand by while at least one of your advisers anonymously denigrates the poor quality of the copy of the tape that you possess. You are perfectly aware that this Committee has the original videotape, and that it would have been very easy to make a simple request to review this evidence. From my perspective, it appears that once again the Justice Department is mortally embarrassed, and you are taking the approach that if you keep your head in the sand, then maybe no one will notice.

The above reasons are not the only basis for my lack of surprise regarding your decision. The other basis is a little more obvious – your subordinates leaked the decision to a number of newspapers before you made your announcement. Unlike the times when your subordinates have leaked grand jury information, or made statements that have undermined your investigation, putting this information out before your press conference was certainly not inappropriate. What was inappropriate, however, was the lie that one of your subordinates told when he said: "[t]his time, no other prosecutors in the government thought it was even a close call."[1]

This dishonesty provides a clear reason why you should remove yourself from the decisionmaking process. The American people deserve an Attorney General who promotes confidence in the judicial process. When you surround yourself with people who are prepared to undercut your own Campaign Financing Task Force Supervising Attorney, as has happened on more than one occasion, and who act in a dishonest manner, there can be little confidence that the decisions that come from these people are appropriate. Furthermore, there can be no confidence in a process that brings in someone from the outside to make tough, independent calls – for example Charles La Bella and Robert Conrad – and then ignores and undercuts them when they come to honest conclusions.

You also told the American people that where Mr. Conrad's recommendation was concerned, no further investigation was warranted. The evening before, however, one of your subordinates was spreading disinformation to the New York Times and the Associated Press about Mr. Conrad being completely isolated in his request for a special counsel. This can be interpreted only as pure political spin, and it is unseemly when one of your top advisers behaves this way. When your advisers mislead the public, and they are more concerned with politics than justice, you have a serious problem. Clearly, something is very wrong with the team that you have assembled. Unfortunately, the fair

[1] Even you could not allow that lie to stand, and you stated on Wednesday: "Today, Bob Conrad has been tagged with being the only person in the Justice Department who thought I should appoint a special counsel. Although I'm not going to get into who recommended what, I can tell you that that is not correct."

conclusion to be drawn from this is that something is also very wrong with the decisionmaking process at the Justice Department. It is for this reason that I have today issued a subpoena for Mr. Conrad's recommendation to you, and the other recommendations pertaining to the appointment of a special counsel that have been made this year.

I am aware that on Wednesday, during your press conference, you expressed a preference that Congress not ask for this information. If we had followed your wishes, however, we would never have learned that your investigators had failed to ask the Vice President about the Hsi Lai Temple. We would not know that they failed to ask the President about James Riady or foreign money. We would also not know that they seem to be completely indifferent to whether Vice President Gore suggested showing issue advertisements to a man he hardly knew, who had given over one million dollars in illegal contributions to the Democratic Party, and who lived in Jakarta, Indonesia. If this statement was indeed made, the implications for the campaign finance investigation would be significant.

In addition to the information called for in the subpoena, I would like to know why you do not want to review the original of the December 15, 1995, White House coffee videotape. As you are aware, the original tape was obtained directly from the White House by the Committee and is currently in the Committee's possession. The copy you have, which is the same as the copy we were originally given in 1997, is very poor and the dialogue cannot be clearly understood. If the case is open, I can understand why you would not answer this question, and I would accept your refusal to answer. I would not be able to understand why you have waited so many months to ask for the original evidence given the fact that the copy you now possess is almost useless. However, at least your refusal to answer the question would be consistent with past practice.

If the investigation of James Riady and the Vice President's possible relationship to illegal money received from Mr. Riady is closed, then you are able to explain why you have elected to ignore the original evidence from the December 15, 1995, White House coffee. Thus, please inform me, no later than August 31, 2000, whether the investigation regarding James Riady and Vice President Gore's relationship with James Riady is ongoing or, if it is not ongoing, explain why you have closed the investigation prior to reviewing original evidence from the December 15, 1995, White House coffee.

Sincerely,

Dan

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman
Louis Freeh, Director of the Federal Bureau of Investigation
Robert Conrad, Esq.
Members, Committee on Government Reform

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BERNARD SANDERS, VERMONT,
INDEPENDENT

August 28, 2000

Robert J. Conrad, Esq.
Campaign Finance Task Force
Department of Justice
5432 Bond Building
1400 New York Avenue, N.W.
Washington, D.C. 20530

Dear Mr. Conrad:

Please provide the Committee with copies of all correspondence between your office and either Daniel A. Barry or Mr. Barry's attorneys. A response to this request would be appreciated by or on August 30, 2000.

Sincerely,

James C. Wilson
Chief Counsel

cc: Kenneth Ballen, Esq.

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BERNARD SANDERS, VERMONT,
INDEPENDENT

August 31, 1999

Director Louis Freeh
Federal Bureau of Investigation
935 Pennsylvania Avenue N.W.
Washington, D.C. 20535

Re: Request for Interviews

Dear Director Freeh:

As you know, on August 27, 1999, staff from the Government Reform Committee interviewed FBI Agent Roberta Parker regarding her work on the Campaign Financing Task Force. I appreciate your work to provide Agent Parker to the Committee. As a result of the interview, I would like to have Committee staff interview two additional FBI agents who worked with Agent Parker on the Task Force, Kevin Sheridan and Laura Laughlin.

I believe that these agents could provide valuable assistance to the Committee as it continues its oversight of the Justice Department's handling of the campaign fundraising matter. Accordingly, I would appreciate these agents being made available within the next two weeks. Please have your staff contact the Committee's Deputy Counsel, David A. Kass, to arrange a time for the interviews.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman, Ranking Minority Member

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INDEPENDENT

September 7, 2000

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Dear General Reno:

I wrote to you on June 28, 2000, to express my concern over the slow pace of the Campaign Financing Task Force's criminal investigation of the White House e-mail matter. In my letter, I included a list of significant witnesses who had not yet been interviewed at that time. Now, over two months later, the Committee has learned that there has been very little progress made in the investigation. The following list gives the names of witnesses and the date the Committee learned that they had yet to be interviewed by the Justice Department:

John Podesta	September 5, 2000
Dorothy Cleal	September 1, 2000
Adam Greenstone	August 31, 2000
Joe Kouba	August 31, 2000
Joe Vasta	August 30, 2000
Jim DeWire	August 30, 2000
Christina VanFossan	August 30, 2000
Michelle Peterson	August 28, 2000
Mark Lindsay	August 23, 2000

Comparing this list to the list we provided in June, we are aware of only two people -- Nell Doering and Virginia Apuzzo -- who have been interviewed by the Justice Department. And of these two witnesses, Ms. Apuzzo was interviewed only last week on August 30, 2000. Furthermore, the actual number of witnesses who have not been interviewed is probably much greater, in that the above list is not a total list, and it omits individuals who refused to volunteer whether or not they had been contacted for an interview.

It has now been nearly six months since the Justice Department announced it was launching a criminal investigation in the e-mail matter. I am astonished that the Justice Department has not interviewed Mark Lindsay or Michelle Peterson -- perhaps two of the

most important witnesses at the center of this controversy. As you may recall, Ms. Peterson was the Associate Counsel to the President who conducted the comparison test that the White House Counsel's Office claims provided the assurance that there was no problem with searches for e-mails under subpoena. Mark Lindsay, as you are aware, just two weeks ago testified in federal court that an affidavit on the e-mail matter prepared by Justice Department lawyers was false.

The failure to interview these significant witnesses is even more troubling given the recent announcement by the Justice Department that Daniel A. "Tony" Barry had been given a letter assuring him that he is not a target in the e-mail investigation. After Mr. Barry was officially determined not to be a target of the investigation, Mark Lindsay testified to Judge Lamberth that paragraph four of the July 9, 1999, affidavit Mr. Barry submitted to the court in the *Alexander v. FBI* case was not true. As you know, the Committee submitted to you a criminal referral on Mr. Barry based on paragraph four of his July 9, 1999, affidavit. The admission by a high-ranking official in the White House that Mr. Barry's affidavit is not true should be of great concern to you. Apparently the "no target" letter sent by your Justice Department gave the White House comfort finally to admit what was obvious to me, Judge Lamberth and others. To wit, a White House employee, aided and counseled by Justice Department lawyers, submitted a false affidavit to a federal court that concealed the failure of the White House to search for all e-mails responsive to subpoenas.

Mr. Lindsay's testimony comes hard on the heels of Independent Counsel reports that Anthony Marceca and Secretary of the Interior Bruce Babbitt lied to Congress. From my perspective, a major problem with sending Mr. Barry a "no target" letter is that his affidavit was prepared by Justice Department lawyers more sophisticated in the law than he. In essence, Justice Department lawyers are giving other Justice Department lawyers -- who should bear some culpability for the affidavit they helped draft -- a clean bill of health. This takes the conflict of interest inherent in the Department's investigation of the e-mail scandal to a new, unprecedented level. Another significant problem is that you have decided what to do with the Barry criminal referral before you have reviewed relevant evidence.

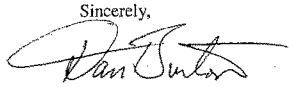
Recently, Senator Danforth wrote the following:

> "Lawyers in private practice often volunteer as little information as possible. But playing it close to the line is not acceptable for people representing the United States government. Government lawyers have responsibilities beyond winning the cases at hand. They are not justified in seeking victory at all costs. A government lawyer should never hide evidence or shade the truth, and must always err on the side of disclosure.
>
> Government lawyers carry on their shoulders reponsibility for not only the prosecution of specific cases, but also for public confidence in our system of government -- the 'consent of the

governed' enshrined in the Declaration of Independence. Indeed, this responsibility rests heavily on the shoulders of all government officials."

You would be well advised to follow this advice and question your own lawyers as to who their real client was when they prepared a false affidavit for Mr. Barry to sign.

Sincerely,



Dan Burton
Chairman

cc: Ranking Minority Member Henry Waxman
Independent Counsel Robert Ray
Judge Royce C. Lamberth

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September 7, 2000

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Re: Committee's Subpoena of August 24, 2000

Dear General Reno:

I write regarding the Committee's subpoena of August 24, 2000. That subpoena requires the Justice Department to produce to the Committee the memorandum by Robert Conrad recommending the appointment of a special counsel to investigate Vice President Gore, and any other memoranda prepared during 2000 regarding the appointment of a special counsel to investigate Vice President Gore. The Justice Department was required to produce the documents by August 31, 2000. The Committee has not received any documents in response to the subpoena.

Yesterday, my Chief Counsel spoke with staff in the Office of Legislative Affairs, who attempted to explain why the Department had not yet complied with the subpoena. Mr. Tanner explained that the Department was in the middle of deliberations to determine whether any of the matters discussed in the Conrad memo were open cases. Mr. Tanner further explained that recent motions made by Maria Hsia had cast doubt on the Justice Department's current understanding of what "open cases" were, and that the Department may need to broaden that definition. Mr. Tanner stated that no determination had yet been made whether to comply with the Committee's subpoena, and he would not identify when a decision would be made, or who the relevant decisionmakers were.

After the Committee finally received the Freeh and La Bella memos, I had hoped that the Justice Department was through using specious arguments to avoid complying with the Committee's subpoenas. I am troubled that you would now raise the claim that the Conrad memo involves open cases to avoid producing it to the Committee. Without even referring to the Justice Department's history of providing false representations to this Committee to avoid producing documents, this most recent claim has all of the indicia of a false argument, made in bad faith, to avoid producing documents embarrassing to the Clinton Administration:

- In your press conference of August 23, 2000, you stated that "I have concluded that there is no reasonable possibility that further investigation could develop evidence that would support the filing of charges for making a willful false statement." You told the public that not only would there be no special counsel, but also that there would not even be further investigation of Vice President Gore for making false statements. Now, your staff is telling the Committee that the investigation of the Vice President discussed in the Conrad memo is still potentially an open matter. Obviously, if the Conrad memorandum discusses matters that relate to open cases, we are prepared to entertain your arguments that those specific sections should remain confidential. Otherwise, your statement that "there is no reasonable possibility that further investigation could develop evidence" is dispositive.

- Your staff was not in a position to offer a cogent explanation for the failure to produce the Conrad memo. In the discussion yesterday between Committee staff and your staff, your staff had not reviewed the Conrad memo, was unaware of its contents, and was unaware of the statements you had made at the August 23, 2000, press conference. These facts suggest that your staff has first reached the determination that the Committee cannot have the memo, and has yet to come up with a rationale for that decision.

- The Justice Department made no attempt to resolve this issue with the Committee until well after the deadline for compliance had passed. The Justice Department's delays, while unfortunately typical, suggest that the Department is attempting to drag this matter out as long as possible, in the hope that Congress will adjourn prior to the production of the memo.

It is clear that the Justice Department does not want to produce the Conrad memo to the Committee. In your press conference, you stated that you hoped that Congress would not intervene in this matter and request the memorandum. However, just as this Committee had an obligation to obtain the Freeh and La Bella memos, and determine that you had refused to apply the law to the President, Vice President, and members of your political party, it has an obligation to obtain the Conrad memo. When we sought the Freeh and La Bella memos, you did everything in your power to keep those memos out of the public's view. I would hope that you would not engage in the same legal contortions to avoid producing the Conrad memo to the Committee.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

SEP 7 2000

The Honorable Dan Burton
Chairman
Committee on Government Reform
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for your letter of July 12, 2000 to the Attorney General regarding the appointment of a Special Master in the *Alexander* litigation to oversee the reconstruction and production of non-records managed e-mail.

The Department has taken the position in the *Alexander* case that the court should not appoint a Special Master or other outside oversight of the reconstruction process, but should instead allow the Executive Office of the President (EOP) to restore and search a sampling of tapes using a streamlined methodology designed to maximize tape copying speed. Consistent with that position, the *Alexander* court recently issued an order in which it directed the EOP to restore and search e-mail from a select number of back-up tapes, in accordance with the search parameters outlined in earlier orders of the court. *Alexander v. FBI*, Civil No. 96-2123, (D.D.C. July 31, 2000). The Court has stated its intention to reserve judgment on the issue of a Special Master until it sees the results of that search, and a separate search to be conducted on data extracted from back-up tapes currently in the custody of law enforcement.

I hope that this information is helpful. Please do not hesitate to contact me regarding this or any matter.

Sincerely,

Robert Raben
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

Subpena to Testify (Hearing)

By Authority of the House of Representatives of the Congress of the United States of America

To Attorney General Janet Reno Serve: Attorney General Janet Reno

You are hereby commanded to be and appear before the Full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, in Room 2157 of the Rayburn Building, in the city of Washington, on October 5th, 2000, at the hour of 10:00am, then and there to testify touching matters of inquiry committed to said Committee; and you are not to depart without leave of said Committee.

To Maria Pia Tamburri or the US Marshal Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 15th day of September, ~~19~~ 2000

Dan Burton

Chairman.

Attest:

Jeff Trandahl

Clerk.

by Martha C. Harrison, Deputy Clerk

Subpena for Attorney General Janet Reno Serve: Attorney General Janet Reno

United States Department of Justice

Tenth and Constitution Ave, NW

Washington, DC 20530

before the Committee on the

Government Reform

Served by: Maria Pia Tamburri

To: Robert Raben

via facsimile and first class mail

9/15/00 @ 3:05 PM

House of Representatives

GPO: 1990 31-267 (m)

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To U.S. Department of Justice Serve: The Honorable Janet Reno

You are hereby commanded to produce the things identified on the attached schedule before the Full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building , in the city of Washington, on September 22, 2000, at the hour of 5:00pm

To Maria Pia Tamburri or the US Marshal Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 15th day of September, ~~19~~ 2000

Dan Burton

Chairman.

Attest:

Jeff Trandahl

Clerk.

Subpoena for US. Department of Justice. Serve: The Honorable Janet Reno

Tenth Street & Constitution Avenue, NW

Washington, DC 20530

before the Committee on the

Government Reform

Served by: Mona Tamburri

to: Robert Raben

via facsimile and first class mail

12:50pm @ Sept 15, 2000

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Government Reform Committee
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

United States Department of Justice
Serve: Attorney General Janet Reno
Tenth Street & Constitution Avenue N.W.
Washington, D.C. 20530

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions, please contact Chief Counsel James C. Wilson at (202) 225-5074.

Definitions and Instructions

(1) For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

(2) For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

(3) This subpoena calls for the production of records, documents and compilations of data

and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

(4) The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

(5) No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

(6) If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

(7) When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by data, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

(8) This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

Subpoenaed Items

Please provide the Committee with all declination memoranda relating to Robert K. Bratt or Joseph Lake, including, but not limited to, such memoranda prepared by the Public Integrity Section or the office of the United States Attorney for the District of Columbia.

U.S. Department of Justice

Office of Legislative Affairs

Washington, D.C. 20530

September 18, 2000

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

Dear Mr. Chairman:

This responds to your subpoena, dated September 15, 2000, for declination memoranda relating to Messrs. Robert Bratt and Joseph Lake.

We have located one memorandum responsive to your subpoena in the Office of the United States Attorney for the District of Columbia. The Department has substantial confidentiality interests in this internal deliberative document, which also implicated significant personal privacy interests. Accordingly, we would like to accommodate the Committee's information needs by providing access to the memorandum at the Department as soon as mutually convenient time can be arranged. We will be prepared to respond to staff questions about this memorandum after they have had an opportunity to review it.

Please do not hesitate to contact me if you would like additional assistance regarding this or any other matter.

Sincerely,

Robert Raben
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

DAN BURTON, INDIANA,
CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. MCHUGH, NEW YORK
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DOUG OSE, CALIFORNIA
PAUL RYAN, WISCONSIN
HELEN CHENOWETH-HAGE, IDAHO
DAVID VITTER, LOUISIANA

ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

MAJORITY (202) 225–5074
MINORITY (202) 225–5051
TTY (202) 225–6852

HENRY A. WAXMAN, CALIFORNIA,
RANKING MINORITY MEMBER
TOM LANTOS, CALIFORNIA
ROBERT E. WISE, JR., WEST VIRGINIA
MAJOR R. OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
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DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
HAROLD E. FORD, JR., TENNESSEE
JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

September 18, 2000

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Re: Campaign Financing Task Force

Dear General Reno:

I am writing to inquire regarding staffing levels on the Justice Department's investigation of the White House's failure to produce e-mails in response to subpoenas issued by the Justice Department, offices of independent counsel, and Congress. Please provide the following information:

- The number of attorneys who have worked on the investigation since its inception.
- The largest number of attorneys working on the investigation at any one time.
- The number of attorneys currently working on the investigation.

Please provide a response by September 21, 2000.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

Subpoena Duces Tecum

By Authority of the House of Representatives of the Congress of the United States of America

To US Department of Justice Office of the Inspector General Serve: Glenn A. Fine

You are hereby commanded to produce the things identified on the attached schedule before the Full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, by producing such things in Room 2157 of the Rayburn Building , in the city of Washington, on October 2nd, 2000, at the hour of 5:00PM

To Maria Pia Tamburri

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 18th day of ~~September~~ October 2000

Dan L Burton
Chairman.

Attest:

Jeff Trandahl
Clerk.

Subpoena for US Department Of Justice Office of the Inspector General

Serve: Glenn A. Fine, Acting Inspector General

950 Pennsylvania Avenue , NW Suite 4706

Washington, DC 20530

before the Committee on the

Government Reform

Served to: Glenn A. Fine served to Paul Martin
by: Maria P. Tamburri
via facsimile and first class mail
9/20/00 @ 5:26pm

House of Representatives

GPO: 1998 51-015 (mac)

SCHEDULE A

Subpoena Duces Tecum
Government Reform Committee
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

United States Department of Justice Office of Inspector General
Serve: Glenn A. Fine
Acting Inspector General
Department of Justice
950 Pennsylvania Avenue, N.W., Suite 4706
Washington, D.C. 20530

The Committee hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions, please contact Chief Counsel James C. Wilson at (202) 225-5074.

Definitions and Instructions

(1) For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records, documents, data and information of a like and similar nature not listed above.

(2) For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.

(3) This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.

(4) The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.

(5) No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.

(6) If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.

(7) When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by data, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.

(8) This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

Subpoenaed Items

Please provide the Committee with all investigative records relating to the investigation of Robert K. Bratt, Joseph Lake, and other individuals detailed in the Inspector General report titled "An Investigation of Misconduct and Mismanagement at ICITAP, OPDAT, and the Criminal Division's Office of Administration," dated September 2000.

Subpena to Testify (Hearing)

By Authority of the House of Representatives of the Congress of the United States of America

To Alan Gershel Serve: Alan Gershel

You are hereby commanded to be and appear before the Full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, in Room 2157 of the Rayburn Building, in the city of Washington, on September 26th, 2000, at the hour of 2:00pm, then and there to testify touching matters of inquiry committed to said Committee; and you are not to depart without leave of said Committee.

To Maria Pia Tamburri or the US Marshal Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this September 20th day of , 19 2000

Dan Burton

Chairman.

Attest:

Jeff Trandahl

Clerk.

Subpena for Alan Gershel Serve: Alan Gershel

United States Department of Justice

10th & Constitution Avenue, N.W.

Washington, D.C. 20530

before the Committee on the

Government Reform

Served to: Robert Raben
by: Maria Tamburri
via facsimile and first class mail.
9/20/00 @ 5:45PM

House of Representatives

GPO: 1990 31-287 (m)

DAN BURTON, INDIANA
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. McHUGH, NEW YORK
STEPHEN HORN, CALIFORNIA
JOHN L. MICA, FLORIDA
THOMAS M. DAVIS III, VIRGINIA
DAVID M. McINTOSH, INDIANA
MARK E. SOUDER, INDIANA
JOE SCARBOROUGH, FLORIDA
STEVEN C. LaTOURETTE, OHIO
MARSHALL "MARK" SANFORD, SOUTH CAROLINA
BOB BARR, GEORGIA
DAN MILLER, FLORIDA
ASA HUTCHINSON, ARKANSAS
LEE TERRY, NEBRASKA
JUDY BIGGERT, ILLINOIS
GREG WALDEN, OREGON
DOUG OSE, CALIFORNIA
PAUL RYAN, WISCONSIN
HELEN CHENOWETH-HAGE, IDAHO
DAVID VITTER, LOUISIANA

ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

MAJORITY (202) 225–5074
MINORITY (202) 225–5051
TTY (202) 225–6852

HENRY A. WAXMAN, CALIFORNIA,
RANKING MINORITY MEMBER

TOM LANTOS, CALIFORNIA
ROBERT E. WISE, Jr., WEST VIRGINIA
MAJOR R. OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
PATSY T. MINK, HAWAII
CAROLYN B. MALONEY, NEW YORK
ELEANOR HOLMES NORTON,
DISTRICT OF COLUMBIA
CHAKA FATTAH, PENNSYLVANIA
ELIJAH E. CUMMINGS, MARYLAND
DENNIS J. KUCINICH, OHIO
ROD R. BLAGOJEVICH, ILLINOIS
DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
HAROLD E. FORD, Jr., TENNESSEE
JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

September 20, 2000

Paul Martin
Counselor to the Inspector General
Office of Inspector General
United States Department of Justice
Washington, D.C. 20530

Dear Mr. Martin:

Accompanying this letter is a subpoena duces tecum calling on the Inspector General's Office to produce all records relating to the investigation of Robert Bratt and Joseph Lake. I understand that the subpoena calls for a large volume of documents, and I write to provide your office with specified items that the Committee would like to receive initially, before receiving any additional items.

Please provide the following items in response to the Committee's subpoena:

1. All transcripts of interview or summaries of interview for the following individuals:

   a. Robert Bratt;
   b. Joseph Lake;
   c. Mark Bonner;
   d. Donald Wells;
   e. Cary Hoover;
   f. Ludmilla Bolgak;
   g. Yelena Koreneva;
   h. Janice Stromsem;
   i. Joseph Trincellito;
   j. John Shannonhouse;
   k. Paul Frary;
   l. Paula Barclay;
   m. Denise Turcotte;
   n. Jo Ann Harris;
   o. Janice Sposato.

2. All records received from Robert Bratt or Joseph Lake.

3. All correspondence with Robert Bratt or Joseph Lake, or counsel for Bratt or Lake.

4. All correspondence with the Office of the United States Attorney for the District of Columbia, including recommendations to prosecute.

5. All correspondence with the Public Integrity Section, including recommendations to prosecute.

6. Personnel files for Robert Bratt and Joseph Lake.

After production of these materials, Committee staff will be in contact with you to determine if further production of documents is necessary. Thank you for your cooperation in this matter.

Sincerely,

David A. Kass
Deputy Counsel & Parliamentarian

cc: Michael Yeager, Committee on Government Reform, Minority Staff

DAN BURTON, INDIANA,
CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. MCHUGH, NEW YORK
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BOB BARR, GEORGIA
DAN MILLER, FLORIDA
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GREG WALDEN, OREGON
DOUG OSE, CALIFORNIA
PAUL RYAN, WISCONSIN
HELEN CHENOWETH-HAGE, IDAHO
DAVID VITTER, LOUISIANA

ONE HUNDRED SIXTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

Majority (202) 225–5074
Minority (202) 225–5051
TTY (202) 225–6852

HENRY A. WAXMAN, CALIFORNIA,
RANKING MINORITY MEMBER
TOM LANTOS, CALIFORNIA
ROBERT E. WISE, Jr., WEST VIRGINIA
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JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
HAROLD E. FORD, Jr., TENNESSEE
JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

September 25, 2000

Alan Gershel
Deputy Assistant Attorney General
Criminal Division
United States Department of Justice
Tenth and Constitution Avenue, NW
Washington, DC 20530

Dear Mr. Gershel:

I am writing to provide you with further guidance regarding the Committee's hearing on September 26, 2000. As explained in my letter of September 21, the Committee has a number of questions for you regarding the Justice Department's handling of the e-mail investigation. The production of a number of reconstructed e-mails by the White House on the afternoon of September 22, 2000, has raised a number of related issues that may arise at tomorrow's hearing.

Members of the Committee may seek your testimony about the following issues, which have been raised by the White House's recent document production:

- The date by which the e-mails produced to the Committee on September 22 had been reconstructed by the Federal Bureau of Investigation.
- When the e-mails produced to the Committee on September 22 were first provided to the White House by the Justice Department.
- Whether the Justice Department requested the White House not to release publicly copies of the reconstructed e-mails.
- Whether more e-mails have been reconstructed in addition to the ones received by the Committee on September 22, 2000.
- Whether the Attorney General had access to all of the reconstructed e-mails produced to the Committee on September 22, 2000, prior to her August 2000 decision not to appoint a special counsel for Vice President Gore.

Please contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074 if you have any questions or need additional information about the hearing.

Sincerely,

Dan Burton
Chairman

cc: The Honorable Henry Waxman, Ranking Minority Member

U.S. Department of Justice

Office of Legislative Affairs

Washington, D.C. 20530

September 25, 2000

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

Dear Mr. Chairman:

I am writing to express the Department's serious concern about the Committee's recent practice of subpoenaing public and private sector entities to produce copies of grand jury subpoenas and other documents relating to evidence gathered by the Campaign Financing Task Force, including subpoenas and documents relating to ongoing criminal investigations.

We are concerned that the Committee's attempts to compel disclosure of this material could compromise ongoing criminal investigations being conducted by the Task Force. Although I am sure your intent is to conduct oversight of our investigations and not to compromise pending criminal matters, the practice of "subpoenaing subpoenas" or otherwise using the congressional subpoena power to shadow the Department's ongoing investigations could undermine effective law enforcement by creating a substantial risk that sensitive and confidential investigative information will be disclosed to targets of investigations and to other persons who might use the information to thwart our law enforcement efforts. We believe that we can respond to your legitimate oversight interest in a manner which does not implicate ongoing investigations. An enclosed letter is illustrative of this point.

With respect to your recent subpoenas to the State and Commerce Departments, we have an additional concern about any action that might discourage those Departments from following the well-established "third agency" consultation practice for documents or information in an agency's possession that originated in another agency. In accordance with long-standing Executive Branch practice, agencies receiving an outside request – whether from Congress, a party in litigation, or a Freedom of Information Act requester – routinely consult with other agencies about documents or information that the latter agencies originated before responding to the requester. This practice recognizes the equities of originating agencies, and is designed to ensure that the interests and privileges of the entire Executive Branch, and not just the agency that receives the request, are appropriately considered.

The Justice Department has responsibility within the Executive Branch for ensuring that disclosures of information by government agencies do not compromise pending criminal investigations or otherwise undermine effective law enforcement. To fulfill that responsibility, it is not only appropriate, but essential, that the Justice Department have an opportunity to review documents relating to federal criminal investigations that are maintained at other agencies, and, where necessary, to object to a disclosure that might compromise an investigation.

As an example of the Justice Department's traditional practice in this area, I am attaching a copy of a November 23, 1990, letter from Assistant Attorney General W. Lee Rawls to Chairman Henry B. Gonzales, House Committee on Banking, Finance, and Urban Affairs, in which Assistant Attorney General Rawls notes that the Justice Department had conducted a pre-production review of documents in the possession of the Federal Reserve Board that the Banking Committee had requested from the Board and that related to the Department's ongoing investigation of Banca Nazionale del Lavora (BNL).

Please do not hesitate to contact me if you have any questions about our concerns.

Sincerely,

Robert Raben
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

Jim Thessin
Acting Legal Adviser
Department of State

James A. Dorskind
Acting General Counsel
Department of Commerce

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

November 23, 1990

The Honorable Henry B. Gonzalez
Chairman
Committee on Banking, Finance,
and Urban Affairs
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

As the Attorney General indicated in his letter to you of September 26, 1990, the Department of Justice's criminal investigation of Banca Nazionale del Lavoro is a very sensitive case with national security concerns. Under our criminal justice system, the Department has the duty during an open criminal investigation to ensure that there are no disclosures of grand jury information or other sensitive information such as investigative plans, techniques or developments or the identity of confidential sources, cooperating witnesses or targets. For this reason, the Department has reviewed in advance of their production the Federal Reserve Board documents that are responsive to the Committee's request of October 3, 1990.

On November 16 and 17, 1990 the Department advised the Federal Reserve that most of these documents could be released to the Committee without interference to the ongoing criminal investigation, but that some documents should be withheld pending review by the United States Attorney's Office handling the criminal investigation. Late on November 21, 1990 this review was completed. The Department has advised the Federal Reserve that the remaining documents may be released to the Committee, so long as a number of them are redacted to protect the identities of sources and witnesses, and the information provided by them; the identities of targets; the plans and investigative techniques utilized in this investigation; and the specific developments in the investigation. A copy of our November 23rd letter to the Federal Reserve is enclosed.

We have consented to the Federal Reserve's release of documents to the Committee on the understanding that they will be accorded the treatment the Committee is giving all documents it receives from the agencies and entities identified in the motion adopted by the Committee on October 23, 1990. Thus, we expect that before any public release of a document or its contents, the Committee will obtain this Department's advice as to whether release would interfere with our ongoing criminal investigation.

Sincerely,

W. Lee Rawls

W. Lee Rawls
Assistant Attorney General

U.S. Department of Justice

Washington, D.C. 20530

NOV 23 [illegible]

Virgil Mattingly, Esq.
General Counsel
Board of Governors of the
Federal Reserve
Washington, D.C.

Re: Banca Nazionale del Lavoro

Dear Mr. Mattingly:

Enclosed please find a set of 30 documents, subpoenaed by the House Committee on Banking, Finance and Urban Affairs [Committee] and redacted, in whole or in part, upon the recommendations of the United States Attorney's Office in Atlanta. These documents are: 8, 35, 36, 40, 47, 49, 50, 53, 60, 66, 67, 70, 71, 73, 74, 76, 78, 79, 80, 90, 93, 101, 110, 120, 121, 147, 166, 167, 175 and 176. Notice sheets have been substituted for documents 120 [Tab A], 121 and 122, which we request be withheld in full. We would also appreciate your deleting from any Atlanta examination reports furnished to the Committee the reference discussed in our telephone conversation earlier today. The handwritten lines or entries on several of the enclosed documents were made during the process of redaction and, obviously, do not appear on the original documents. You may wish to make note of this in your transmittal letter to the Committee.

Upon further review, it has been determined that 11 additional documents, numbered 42, 52, 56, 61, 62, 63, 75, 77, 85, 104 and 116, may be released in full without causing any interference with the criminal investigation being conducted by the United States Attorney's Office.

If you wish, we will prepare for you a letter or memorandum setting forth the particular reasons why each of the documents has been redacted.

Very truly yours,

Laurence A. Urgenson
Chief, Fraud Section

By: Peter B. Clark
Peter B. Clark
Senior Litigation Counsel

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

September 25, 2000

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

Dear Mr. Chairman:

This responds to your letters, dated July 18, 2000, August 25, 2000, and September 7, 2000, regarding a videotape of a December 15, 1995, White House coffee and other matters currently being handled by the Campaign Finance Task Force.

As Assistant Attorney General Robinson stated during the July 20th hearing, we are, of course, interested in obtaining any information or evidence in your possession which you believe may be relevant to our investigation. Accordingly, we will ask Task Force investigators to contact Committee staff to obtain videotape and any other relevant materials that you will provide to us.

Your letters also raise questions relating to the Task Force's April 18, 2000, interview of Vice President Gore. During the Committee's hearing on July 20, 2000, Assistant Attorney General James K. Robinson and other Criminal Division officials repeatedly declined to comment about these matters because they related to pending investigative activities by the Task Force. That is still the case. Accordingly, it remains inappropriate for the Department to answer your questions or provide other information or documents, including the Conrad memorandum, relating to these or any other pending matters.

With respect to your specific request for the "Conrad memo," a recent court proceeding has heightened our concern about communications with Congressional committees regarding pending criminal matters. Our efforts to work with committees to appropriately respond to Congress's oversight needs in a manner that does not inhibit our duty to enforce and execute the laws has been challenged further by the appropriate scrutiny of a Court now asked to wrestle with whether or not our responses to Congressional inquiries have interfered with the adjudication of a particular matter in which the Executive Branch is involved. I am enclosing for your review, in case you have not seen them, papers filed in Court recently, in response to concerns that the manner in which we responded to oversight requests was inappropriate, vis a vis the adjudication of a particular matter.

The resolution of the tension between your important oversight interest and our responsibility to enforce the laws is clearly an art, not a science, and in my view we all exercise our best efforts to resolve these tensions in a way that is consistent with the Constitutional separation of powers. The most recent concern expressed in litigation over how we have comported ourselves in the oversight process gives us pause, to make sure that in our efforts to resolve these critical Constitutionally driven tensions, we do the right thing.

As always, I will continue to endeavor to work with you to resolve these difficult questions in a manner which can afford us all the tools we need to effectuate our responsibilities appropriately.

Sincerely,

Robert Raben
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General *Washington, D.C. 20530*

September 27, 2000

Jim Wilson
Chief Counsel
Committee on Government
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Wilson:

I write to ask for your assistance in preparing for the Committee's hearing on October 5, 2000 for which the Attorney General has received a subpoena to testify. We would like to help her prepare so that she can be as responsive as possible to the Committee's interests at the hearing, and would appreciate any information that you can provide regarding what subjects the Committee would like her to address and, in particular, the questions that she should be ready to answer.

Your cooperation in working with us on past hearings has been appreciated and we look forward to working with you to prepare for this one. Thank you for your prompt assistance. Please do not hesitate to contact me if you would like to confer informally about this matter.

Sincerely,

Robert Raben
Assistant Attorney General

cc: Mr. Phil Barnett
Democratic Chief Counsel

U.S. Department of Justice

Criminal Division

Office of the Deputy Assistant Attorney General *Washington, D.C. 20530*

September 29, 2000

Judah Best
Debevoise & Plimpton
555 13th Street, N.W.
Suite 1100-E
Washington, D.C. 20004

Dear Mr. Best:

During the course of my testimony on September 26, 2000, before the House Government Reform Committee, there was confusion concerning the Department's position with respect to a recent congressional subpoena to the Democratic National Committee for documents relating to the Campaign Financing Task Force's investigation. Some members of the Committee had the mis-impression that the Department was preventing the DNC from complying with its subpoena. I also may have contributed to the confusion by offering my mistaken understanding that the DNC had been told by the Department to fully comply with the subpoena.

I want to clarify that the Department takes no position on the issue of the DNC's rights and obligations concerning compliance with a congressional subpoena. That is an issue between the DNC and the congressional committee. It certainly has never been the Department's intent to prevent or discourage compliance with a congressional subpoena.

I trust this clarifies the Department's position on this matter. Please do not hesitate to contact me if you have any questions.

Sincerely,

Alan Gershel/SSS

Alan Gershel
Deputy Assistant Attorney General

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Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

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BERNARD SANDERS, VERMONT,
INDEPENDENT

October 1, 2000

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Re: Committee Hearing or Interview on October 5, 2000

Dear General Reno:

As you know, I have requested your appearance at a hearing of the Government Reform Committee on October 5, 2000. Subsequently, our respective staffs have discussed the possibility of a transcribed two hour and fifteen minute interview, to be conducted on October 5, 2000. At present, it appears that your agreement to be interviewed will obviate the need for a Committee hearing.

Your staff has asked that I provide you with a list of topics that I expect to be covered at the hearing or interview. I expect that questioning will focus on several major subjects: (1) the Campaign Financing Task Force's e-mail investigation; (2) the Task Force's campaign fundraising investigation; (3) the Robert Bratt matter; (4) the Waco tragedy; and (5) Joseph Gersten. In the hope of working towards a mutually beneficial interview, the following is an outline of the specific issues I expect to be raised. Should there be a departure from this list, I will endeavor to provide you with advance notice in writing.

Justice Department E-Mail Investigation

- The Committee has requested the Justice Department to provide the number of Justice Department attorneys, not including Office of Independent Counsel personnel, who have worked on the e-mail investigation. Specifically, we would like to know the number of Justice Department attorneys that are currently working on the investigation, and the number that were working on the investigation as of two weeks ago. At a hearing last week, Deputy Assistant Attorney General Alan Gershel refused to answer questions about this matter, claiming that it was "longstanding Justice Department policy" not to answer questions about staffing levels on particular investigations. However, Mr. Gershel was unable to cite any precedent for his refusal to answer this question. I expect that you will answer questions regarding the staffing

levels, excluding Office of Independent Counsel personnel, of the e-mail investigation.

Mr. Gershel also noted that staffing levels "may suggest an importance or lack of importance with respect to the investigation based simply on how many people are assigned to it." This, of course, is very true when the investigation is clandestine. When it is a matter of national prominence, this is not the case. At present, there is reason to believe that the Justice Department investigation is understaffed, and that the one attorney with institutional knowledge in the case has left the Department. The only message this sends is that dilatory and aggressive obstruction will pay dividends. Please explain why it would harm the investigation for the Department to provide staffing information on this matter to the Committee.

- The Committee also asked Mr. Gershel a number of questions regarding the e-mail reconstruction process. He was asked if the Justice Department and Office of Independent Counsel have searched the e-mail backup tapes for any matters beyond the campaign fundraising and Monica Lewinsky matters. Mr. Gershel refused to answer this question, claiming that it would negatively impact the Justice Department's investigation. Mr. Gershel's claim is without foundation. The Committee is attempting to determine whether the backup tapes reconstructed by the Federal Bureau of Investigation were searched for messages relating to the Committee's investigations, which are not part of the Task Force's investigation – for example, the Hudson Casino decision, or the FALN clemency matter. If the Justice Department is not investigating those matters, it should be a simple matter to admit that you have not searched the backup tapes for messages relating to those matters.

- The Committee would also like to know whether you had available to you all of the e-mails which were released by the White House on September 22, 2000, when you made your August 23, 2000, decision not to appoint a Special Counsel for Vice President Gore.

- The Committee would also like to know whether Karen Skelton, who served as Director of Political Affairs for Vice President Gore, has ever been interviewed by the Department of Justice. If she has been interviewed, the Committee would like to know when she was interviewed.

Justice Department Campaign Fundraising Investigation

- On August 24, 2000, the Committee subpoenaed the memorandum by Robert Conrad calling on you to appoint a special counsel to investigate Vice President Gore. To date, you have refused to provide that memo. Your staff has not even provided a clear rationale for your failure to produce that memo. I would like to receive a copy of the memo, and the other documents responsive to the Committee's August 24, 2000, subpoena prior to the hearing or interview. If such documents are produced,

the Committee will likely have questions about the documents. In the event that they are not produced, we will have questions regarding your failure to produce them.

- In the Committee's July 20, 2000, hearing, Members of the Committee pointed out that the videotape of the December 15, 1995, White House coffee appeared to contain the following statement by the Vice President: "we oughta, we oughta, we oughta show Mr. Riady the tapes, some of the ad tapes." Justice Department personnel at that hearing refused to comment on the tape, and refused to even state that they wanted to obtain the original videotape of the event. On September 25, 2000, the Justice Department finally stated that they would ask the Committee for the videotape. Department staff still have not actually requested the videotape. The Committee will question you about these matters.

- On June 6, 2000, the Committee held a hearing that examined allegations made by FBI Deputy Director William Esposito against Public Integrity Section Chief Lee Radek. The Committee may question you about Mr. Esposito's allegations.

- On June 26, 2000, the Committee subpoenaed from the Justice Department all e-mail messages from and to a number of specified Department staff regarding your decisionmaking process for the appointment of an independent counsel to investigate the campaign fundraising scandal. To date, Committee staff has been offered only a small subset of e-mails to review. In addition, Committee staff has asked for a small number of e-mail messages to be provided to the Committee, and has not received those messages. The Committee may have questions about this matter.

Waco

- As you know, the Committee has been conducting an investigation of the 1993 tragedy at the Branch Davidian compound outside of Waco, Texas. We have interviewed a number of Department staff during this investigation. We would like to question you about your decisionmaking both before and after the Waco tragedy.

Robert Bratt

- The Committee has subpoenaed the declination memo relating to Robert Bratt and Joseph Lake. On September 20, 2000, Committee staff asked your staff to provide a copy of that declination memo to the Committee. We have not yet received a copy of the memo, and we expect to as soon as possible.

- The Committee has questions for you regarding the Department's handling of the issues outlined in the recent report of the Justice Department Office of Inspector General relating to Mr. Bratt and Mr. Lake.

Joseph Gersten Matter

The FBI has provided information to Australian legal authorities about Joseph Gersten. While the Committee takes no position on the merits of any past investigations of Mr. Gersten, the following issues are of interest to the Committee:

- The criteria used by the Department of Justice when it comes to providing information about U.S. citizens to foreign governments. Does the Department of Justice or the Federal Bureau of Investigation routinely provide investigative information that did not result in an indictment?

- Information provided to the Committee by the Justice Department has been redacted. Was the information provided to Australian authorities redacted in the same way?

- Whether, in 1992, you were aware of allegations that Mr. Gersten had committed a homicide in 1992.

- Whether you are aware today of allegations that Mr. Gersten committed a homicide in 1992.

- Whether you are aware that subsequent allegations against Mr. Gersten were made by any of the same individuals involved with the homicide allegation.

- Whether you are aware of any suggestions that the homicide allegation should be kept from Mr. Gersten or his attorneys.

The Committee would welcome written answers to any of the above questions in advance of the hearing or interview. It would, however, reserve the right to follow-up and request clarification in the event that you do answer any of the above questions in writing.

If you have any questions about these matters, please have your staff contact the Committee's Chief Counsel, James C. Wilson, at (202) 225-5074.

Sincerely,

Dan Burton
Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

U. S. Department of Justice

Office of the Inspector General

October 4, 2000

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

Dear Mr. Chairman:

This is in response to your subpoena of September 20, 2000, requesting transcripts of interviews or summaries of interviews for various individuals as well as certain other documents relating to the Office of the Inspector General's (OIG) report, *An Investigation of Misconduct and Mismanagement at ICITAP, OPDAT, and the Criminal Division's Office of Administration.* Pursuant to further discussion with members of the Committee staff, we provided transcripts and summaries of interviews with respect to two subjects of the investigation and provided staff members with access to other material requested. We had specific concerns with respect to the release of transcripts of interviews of cooperating witnesses, and we requested of the Committee staff that transcripts of cooperating witnesses not be released publicly.

After reviewing the material that we provided, Committee staff subsequently requested that we disclose two transcripts of interviews of Ms. Denise Turcotte, a witness who cooperated with the OIG in revealing evidence of misconduct by her supervisor. We renewed, in discussions with Committee staff, our very strong concerns about the public release of these transcripts and sought assurances from the staff that these transcripts would not be so released. Our concerns about public release stem solely from our desire to protect Ms. Turcotte, a line-level administrative assistant, from embarrassment or harassment. Ms. Turcotte made the difficult decision to cooperate with the OIG, even though she had concerns about what might happen later. Indeed, during the interview, Ms. Turcotte specifically asked whether the supervisor at issue would have access to her transcripts. In order to fulfill our sense of fairness to Ms. Turcotte, we have sought assurances from Committee staff that her full transcripts not be released publicly.

Unfortunately, we have been unable to this point to reach an agreement with Committee staff. Although acknowledging the good faith basis for our concerns, the Committee staff has insisted on production of the transcripts in order that they may be used at a hearing with the potential for release at that hearing. We have readily agreed to produce the transcripts for use in preparing for a hearing; we believe, however, that the Committee's interests in addressing the issues raised by the OIG report can be served in ways other than by public release of Ms. Turcotte's transcripts. We also suggest that there might be specific portions of the transcripts that would serve the Committee's needs rather than the full 105 pages.

Therefore, in light of our substantial concerns about the effect on Ms. Turcotte, we again ask that you consider our request that the Committee not publicly release Ms. Turcotte's transcripts. Thank you for your consideration of this request.

Sincerely,

Glenn A. Fine
Acting Inspector General

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BERNARD SANDERS, VERMONT,
INDEPENDENT

October 4, 2000

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Robert J. Conrad, Esq.
Campaign Finance Task Force
Department of Justice
5432 Bond Building
1400 New York Avenue, N.W.
Washington, D.C. 20530

Dear Madam Attorney General Reno and Supervising Attorney Conrad:

Pursuant to the Committee's ongoing investigation into the failure to search and produce White House e-mail, Michelle Peterson was interviewed on June 8, 2000. During that interview, she told Committee staff that in the summer of 1998, Cheryl Mills asked her to determine whether a collection of documents had been previously produced to the Office of Independent Counsel. Peterson said that she received the documents and compared them with others that she knew had already been produced. Peterson told Committee staff that she "put the documents in two stacks, side-by-side, in chronological order" and "determined that they were duplicative."

Please answer the following questions:

- Do you have any knowledge of whether Ms. Peterson or her attorney were ever instructed to inform this Committee of any information contrary to or related to these statements?
- If so, who provided this instruction?
- If so, when did they provide this instruction?

Please respond in writing no later than Monday, October 9, 2000. Thank you for your prompt attention to this matter. If you have any questions, please call me at (202) 225-5074.

Sincerely,

James C. Wilson
Chief Counsel

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

October 5, 2000

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

Dear Mr. Chairman:

This is to supplement the record of the Committee's hearing on September 26, 2000 regarding the White House e-mail matter. During Deputy Assistant Attorney General Alan Gershel's testimony, you and other members of the Committee asked about the staffing levels on the Department's investigation, which is being handled by the Campaign Financing Task Force. Mr. Gershel respectfully declined to answer because of the Department's longstanding policy of not disclosing staffing levels for particular pending criminal investigations. Mr. Gershel offered, however, to provide the Committee with information about the basis for the Department's policy and to the extent possible to supply additional information.

The Department's policy of not disclosing staffing levels in particular pending criminal investigations is grounded in our concern about Congress either praising or criticizing the level of resources being devoted to a particular pending criminal investigation. It would place the Congress in a position of appearing to exert pressure or attempting to influence the nature and scope of the investigation. Such a practice would not only be inconsistent with the constitutionally based principle of separation of powers, it could also significantly damage law enforcement efforts and shake public and judicial confidence in the fairness of the criminal justice system by creating a perception that investigative and prosecutorial decisions were being improperly influenced by political considerations rather than the merits of the case.

This is not to suggest that law enforcement officials should be immune from congressional oversight or accountability to the American people. However, we have significant concerns about the conduct of oversight regarding the Department's assignment of resources to particular investigations while they are pending because of the potential impact on law enforcement and the administration of justice. As indicated in my letter to you dated September 25, 2000, the danger of congressional intrusion into pending matters is not just a theoretical

problem. Recent court proceedings in the Maria Hsia case are an example of the practical consequences of the Department making even very limited and seemingly innocuous statements to Congress about pending criminal matters.

For these reasons, the Department believes that it would be inappropriate and potentially damaging to pending cases to provide specific staffing information about the e-mail investigation. The Department is aware of the Committee's concern that the White House e-mail matter be adequately staffed. As Mr. Gershel stated in his testimony, both he and Robert Conrad, the Chief of the Task Force, closely monitor the Task Force's resource needs, as does the FBI, and they have not hesitated to raise resource issues directly with the Attorney General where there has been a need that they could not address on their own. Overall, there are currently approximately 12 prosecutors working on Task Force matters along with approximately 14 FBI agents and 10 analysts and other support personnel. Additional investigative and prosecutorial resources are available within the FBI and the Criminal Division to address special needs that may arise. All of these resources are potentially available to work on aspects of the White House e-mail matter. As you know, prosecutors and agents working in the Office of the Independent Counsel are also working on this matter.

During Mr. Gershel's testimony, members of the Committee expressed concern that one of the prosecutors working on the e-mail matter had recently left the Department. Personnel turnover is common in a lengthy and complex criminal investigation. During the almost four years since the Task Force was formed, dozens of new agents and prosecutors have been successfully integrated into the Task Force's work, frequently assuming the responsibilities of former personnel who left the Task Force. Drawing on that experience, the Task Force's supervisors within the Criminal Division and the FBI will continue to do their best to smooth unavoidable transitions so as to minimize any disruptions to ongoing investigations.

Finally, Mr. Gershel asked that I clarify one aspect of his testimony. Mr. Gershel indicated that the Department has never told the DNC not to comply with the Committee's subpoena and that although he did not personally have contact with the DNC on this issue, it was his understanding that the DNC was told to comply fully with the subpoena. Mr. Gershel has since learned that this understanding was mistaken. The DNC was told that the Department had no objection and took no position with respect to the DNC's compliance with the Committee's subpoena.

The DNC is not part of the Executive Branch. It would be inappropriate for the Department to direct compliance or otherwise advise the DNC concerning its rights and obligations relating to a congressional subpoena. Enclosed is a copy of a letter we have sent to counsel for the DNC, at your request, that clearly sets forth the Department's position.

I hope that this information is helpful. Please do not hesitate to contact me if we can be of further assistance to the Committee on this or any other matter.

Sincerely,

Robert Raben
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

DAN BURTON, INDIANA,
CHAIRMAN

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JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

October 5, 2000

VIA FACSIMILE AND FIRST CLASS MAIL

Robert Raben, Esquire
Assistant Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Mr. Raben:

As you are aware, on September 1, 1999, the Committee issued a subpoena to the Department of Justice that required the Department to produce documents relating to the Branch Davidian tragedy on April 19, 1993. Over one year later, the Department has yet to complete that production.

Please have your staff contact André Hollis, Committee Senior Counsel, at (202) 225-5074 to notify the Committee of the exact date by which the Department will complete the production of all the outstanding documents. Thank you in advance for your cooperation.

Sincerely,

James C. Wilson
Chief Counsel

cc: The Honorable Henry Waxman
Ranking Member

DAN BURTON, INDIANA
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ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

MAJORITY (202) 225–5074
MINORITY (202) 225–5051
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BERNARD SANDERS, VERMONT,
INDEPENDENT

October 6, 2000

The Honorable Janet Reno
Office of the Attorney General
Department of Justice
10th and Constitution Avenues, NW
Washington, DC 20530

Dear Madame Attorney General:

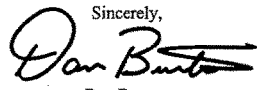
We have reviewed the Inspector General's September 2000 report raising concerns about the management of the International Criminal Investigations Training Assistance Program (ICITAP). We are especially concerned about many of the matters addressed in this report, but would request your assistance in placing particular urgency upon the myriad violations of regulations and sound management practices relating to the handling of national security documents, as described in Chapter III: "Failure to Comply with National Security Regulations."

As we understand ICITAP, the program provides training in law enforcement techniques and investigations strategies, sound application of laws, and related matters to police officials who are foreign nationals. Under current security regulations, none of the personnel receiving the training would be authorized to have access to sensitive national security information. In reviewing this report, it appears that the Inspector General – having identified numerous violations of regulations and poor procedures – neglected to raise the question: What is the "need to know" that necessitates having such information in this location?

We recognize the importance of ensuring that officials adhere to sound procedures for managing secure information where such information is essential to operations. However, where the information is not essential to operations, we also recognize that the presence of the information can become viewed as an administrative burden. In effect, access that extends beyond the "need to know" could run the risk of creating the vulnerability that rationalizes elaborate procedures. One method of addressing the problem is to reinforce the procedures. Another, perhaps more effective, approach might be to eliminate the potential vulnerability.

Thank you for reviewing this matter. We would appreciate learning of your resolution of these issues in the near future. If you have questions about this matter, please contact Mr. Edward J. Lynch of the Committee staff. He can be reached at (202) 225-2577.

Sincerely,



Dan Burton

APPENDIX 2

KANSAS DEMOCRATIC PARTY DISCLOSURE FORMS
(RECEIPTS AND DISBURSEMENTS)

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

ısas Democratic State Committee

ıe of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box				Amount of Cash, Check, Loan or Other Receipt
			Cash	Check	Loan	Other	
16	Vince Wetta Campaign Fund 1204 N Poplar Wellington, KS 67152	Campaign Committee		x			750.00
/21	Miami County Democrats Louisberg, KS	County Committee		x			4500.00
2	Roofers Local #20 PAC 6301 Rockhill Rd Ste 420 Kansas City, MO 64131	Roofers		x			500.00
4	American Bankers Association 1120 Connecticut Ave NW Washington, DC 20036	Bankers		x			1000.00
1	Grocery Manufacturers of America 1010 Wisconsin Ave NW Ste 900 Washington, DC 20007	Grocery Manufacturers		x			500.00
/2	Mirage Resorts, Inc. Las Vegas, NV	Resorts		x			15000.00
/10	New Era Funding Corporation 2345 Pembroke Ave Hoffman Estates, IL 60195	Postage Meter Company		x			140.64
/10	Integrated Health Services, Inc. 10065 Red Run Blvd Owings Mills, MD 21117	Health Services		x			10000.00
/15	N.T.E.U. - PEVER 901 E St Ste 600 Washington, DC 20004	Treasury Employees		x			1500.00
/16	Alliance Gaming Corporation 4380 Boulder Hwy Las Vegas, NV 89121	Casino Gaming		x			1000.00
otal This Page							34890.64

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SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

sas Democratic Party

'e of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box: Cash Check	Loan	Other	Amount of Cash, Check, Loan or Other Receipt
10	Kansans for a Democratic House Box 2083 Topeka, KS 66601	Designated Party PAC	x			5000.00
'29	Democratic Senatorial Campaign Committee Box 1811 Topeka, KS 66601	State Senate PAC	x			4200.00 (For Services)
'17	Hamilton for D.A. 6880 SW Aylesbury Rd Topeka, KS 66610	Candidate Committee	x			54.63
'25 '29 '31 '1	Hensley for Senator 2226 SE Virginia Ave Topeka, KS 66605	Candidate Committee	x x x x			1200.00 3600.00 1600.00 5000.00
'05	Kansas Pipeline Operating Company 8325 Lenexa Dr Ste 400 Shawnee Mission, KS 66214	Natural Gas Pipeline	x			5000.00
/17	Bryan, Lykins, Hejtmanek, P.A. 222 W 7th Ave Topeka, KS 66603	Law Firm	x			500.00
/29	AFSCME Special Account 1625 L St NW Washington, DC 20036	Government employees	x			15000.00
/25	International Association of Fire Fighters 1750 New York Ave NW Washington, DC 20006	Fire fighters	x			5000.00
/31	Rocky Nichols for State Representative 2329 SE Virgina Ave Toepka, KS 66605	Candidate Committee	x			5000.00
/1	Wyandotte County Democrats 450 N 17th Kansas City, KS 66102	County Committee	x			2400.00
	otal This Page					53554.63

R 14

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

Lillian M Carnesey, Carnesey For Senate
Name of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box: Cash	Check	Loan	Other	Amount of Cash, Check, Loan or Other Receipt
7/24/96	Greg Bryant Box 82 Robinson Ks 66532	–		✓			100 –
7/24/96	Joan Adam 305 N Terrace Atchison Ks 66002	–		✓			50 –
7/30/96	Iowa Tribe of Ks & Ne RR1 Box 58A White Cloud Ks 66094	Indian Tribe		✓			1000 –
8/5/96	Democratic Senatorial 430 South Capitol SE Washington D C 20003	Camp. Com		✓			1000. –
8/5/96	Lois Carnesey Rt 2 Box 2152 Jacksboro Tx. 76458	Mother Housewife (widowed)		✓			700 –
8/5/96	Phyllis Nozell 133 West Ave East Rochester NY 14445	Book Keeper		✓			200 –
8/5/96	Marilyn Bucher 12 Gladys Lane Saugerties NY 12477	Vocational Evaluator		✓			150. –
9/23/96	Democratic Central Com 201 E Kelly Atchison Ks 66002	Atchison County		✓			500. –
9/23/96	Annie Laurie Johnson 618 Oregon St Apt A Hiawatha Ks 66434	–		✓			100 –
	Sac & Fox Nation of Mo. Rt 1 Box 60 Reserve, Ks 66434	Tribal Operations		✓			500 –
Subtotal This Page							4,300 –

SCHEDULE C
EXPENDITURES AND OTHER DISBURSEMENTS

William M Campsey, Campsey For Senate
(Name of Candidate, Party Committee or Political Committee)

Date	Name and Address	Purpose of Expenditure or Disbursement	Amount
7/29/96	Ralston Advertising 7630 Cass St. Omaha, NE. 68114	yard signs & wires	575.98
8/5/96	Senate Victory Fund State Capitol Bldg, Rm 347N Topeka KS 66612	Donation	500.00
8/5/96	Econo Print P.O. Box 4041 Topeka KS 66604	Handout Cards	151.79
8/19/96	Bill Campsey 23618 210th Rd Atchison KS 66002	Mileage 390 miles x .27¢ per mile	105.30
8/22/96	Bill Campsey 23618 210th Rd Atchison KS 66002	Mileage 233 miles x .27¢ per mile	62.91
8/27/96	Bill Campsey 23618 210th Rd Atchison Ks 66002	Mileage 250 miles x .27¢ per mile	67.50
9/3/96	Bill Campsey 23618 210th Rd Atchison Ks 66002	Mileage 283 miles x .27¢ per mile	76.41
9/5/96	KAIR Radio 800 N 5th St. Atchison Ks 66002	Radio Ads	75.00
9/16/96	KTPK Radio 3003 SW Van Buren Topeka KS 66611	Radio Ads	195.00
Subtotal This Page			1809.99

Complete if last page of Schedule		
	Total Itemized Expenditures This Period	
	Total Unitemized Expenditures of $50 or less	
	TOTAL EXPENDITURES & OTHER DISBURSEMENTS THIS PERIOD (to line 4 of Summary)	

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

ıerman Jones,Democrat

)f Candidate, Party Committee or Political Committee)

ate	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box: Cash	Check	Loan	Other	Amount of Cash, Check, Loan or Other Receipt
/96	R.J. Reynolds Tobacco Co. c/o Ronald Hein 5845 SW 29th St. Topeka, KS 66614			X			$ 150.00
/96	Democratic Senatorial Campaign Committee 430 S. Capitol St.,SE Washington,D.C 20003			X			1,000.00
6/96	Roche HLR Service Corp. c/o Sandra Constant 30682 Eldora Ct. Evergreen, CO 80439			X			300.00
6/96	KS Political Action Comm 715 W. 10th St. Topeka, KS 66612			X			100.00
)6	The Boeing Co. P. O. Box 7730 Wichita, KS 67277-7730			X			250.00
;/96	Enron (PAC) c/o Barbee & Associates 700 S.W. Jackson,Ste 702 Topeka, KS 66603			X			50.00
13/96	Kansas Dental Assoc.(PAC) 5200 Huntoon Topeka, KS 66604			X			200.00
27/96	Kansas Optometric (PAC) 1266 SW Topeka Blvd Topeka, KS 66612			X			250.00
ibtotal This Page							2,3000.00

Complete if last page of schedule		
	Total Itemized Receipts for Period	3,450.00
	Total Unitemized Contributions ($50 or less)	
	Sale of Political Materials (Unitemized)	
	Total Contributions When Contributor Not Known	
	TOTAL RECEIPTS THIS PERIOD (to line 2 of Summary)	3,450.00

SCHEDULE C
EXPENDITURES AND OTHER DISBURSEMENTS

.erman Jones, Democrat
.ne of Candidate, Party Committee or Political Committee)

Date	Name and Address	Purpose of Expenditure or Disbursement	Amount
'5/96	KS Senate Victory Fund c/0 DSCC P. O. Box 1811 Topeka, KS 66601	Contribution	$800.00
20/96	KS Democratic Party Jayhawk Towers 700 Jackson Topeka, KS 66603	Contribution	1,500.00
22/96	KS Senate Victory Fund c/o DSCC P. O. Box 1811 Topeka, KS 66601	Contribution	1,000.00
/10/96	KS Senate Victory Fund c/o DSCC P. O. Box 1811 Topeka, KS 66601	Contribution	500.00
/24/96	Ron H. Brown Foundation,Inc. 2121 K Street,NW, Ste.625 Washington, D.C. 20037	Tickets	100.00
/14/96	Wyandotte County Democratic Central Committee P. O. Box 1216 Kansas City, KS 66117	Tickets	550.00
)total This Page			4,450.00

nplete if	Total Itemized Expenditures This Period	4,450.00
st page	Total Unitemized Expenditures of $50 or less	241.00
ichedule	**TOTAL EXPENDITURES & OTHER DISBURSEMENTS THIS PERIOD (to line 4 of Summary)**	4,691.00

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

Janice McFutyre for Senate
e of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box: Cash	Check	Loan	Other	Amount of Cash, Check, Loan or Other Receipt
7/30/96	Democratic Senatorial Campaign Committee PO Box 1811, Topeka KS 66601			X			1000.00
7/30/96	CM Adams 8209 W. 72nd Terr OP KS 66204			X			100.00
8/13/96	Kansas Pac 719 W. 10th St Topeka KS 66612	Education		X			1000.00
8/15/96	Barbra Cole 1100 SW Fleming Ct #104 Topeka KS 66604			X			50.00
8/2/96	Kansas Contractors Assoc PAC - PO Box 5061 Topeka KS 66605	Construction		X			100.00
8/2/96	Susan Adler 7306 W. 55th Pl OP KS 66202			X			50.00
8/2/96	George Tiller 5101 E Kellogg Wichita KS 67218	Doctor, MD		X			100.00
8/2/96	Edward Thornton 10421 E 28th St Terr Independence MO 64052			X			$100.00

Subtotal This Page $2500.00

Complete if last page of schedule		
	Total Itemized Receipts for Period	$8060.00
	Total Unitemized Contributions ($50 or less)	$469.95
	Sale of Political Materials (Unitemized)	$ 0.00
	Total Contributions When Contributor Not Known	$ 0.00
	TOTAL RECEIPTS THIS PERIOD (to line 2 of Summary)	$8529.95

SCHEDULE C
EXPENDITURES AND OTHER DISBURSEMENTS

Janice McIntyre for Senate
(Name of Candidate, Party Committee or Political Committee)

Date	Name and Address	Purpose of Expenditure or Disbursement	Amount
8/5/96	Senate Victory Fund PO Box 1811 Topeka KS 66601	Contribution to Coordinated Campaign effort	800 00
8/7/96	Lake Quivera Country Club Lake Quivera KS 66106	Fundraising Event Food / Hall rental	508 32
7/30/96	Janice McIntyre 5917 Robinson OP KS 66202	Reimbursement for Travel / copying / other Supplies	249 77
8/15/96	Johnson County Election Office 2101 Kansas City Rd Olathe KS 66061	Voter List	85 00
8/15/96	Shawnee Area Chamber of Commerce 6333 Long, Shawnee KS 66216	Membership Dues	75 00
8/15/96	John Nee 4938 Mission Rd Shawnee Mission KS 66205	Photographer	140 00
8/19/96	Post Master Mission Post Office 66202 6029 Broadmoor	Postage	135 12
8/15/96	Janice McIntyre 5917 Robinson OP KS 66202	Travel / other Expenses	150 19
8/15/96	Econo Print PO Box 4041 Topeka KS 66604	Printing	391.69
8/22/96	Legal Beacon 625 W. 39th, Ste 104 KC MO 64111	Advertisement	300 00
Subtotal This Page			$2839.09

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

Art Tannahill State Senate District 26

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box Cash Check Loan Other	Amount of Cash, Check Loan or Other Receipts
10-17-96	KHCA -PAC P O Box 231 Coffeyville, KS 67337	Kansas Health Care Assn	X	$250.00
10-12-96	Carole Kelly 1401 Carolyn St Derby, KS 67037		X	75.00
08-01-96	Demo Senatorial Camp Comm P. O. Box 1811 Topeka, KS 66601	DSCC	X	1000.00

Subtotal This Page	$1,325.00
Total Itemized Receipts for Period	$10,125.00
Total Unitemized Contributions ($50 or less)	1220.00
Sale of Political Materials (Unitemized)	
Total Contributions When Contributor Not Known	
TOTAL RECEIPTS THIS PERIOD (to line 2 of Summary)	$11,345.00

SCHEDULE C
EXPENDITURES AND OTHER DISBURSEMENTS

Art Tannahill State Senate District 26

Date	Name and Address	Purpose of Expenditure or Disbursement	Amount
7-31-96	U S Post Office Derby, KS 67037	Stamps	96.00
8-05-96	Senate Victory Fund P O Box 1811 Topeka, KS 66601	Coordinated Campaign	800.00
9-9-96	Builders Square [redacted]	Post for Road Signs	144.68
9-5-96	Owl Printing Litho [redacted]	Palm Cards	250.20
9-5-96	Staats Decal [redacted]	Road Signs	615.19
9-9-96	Signs Now [redacted]	Yard Signs	1559.08
9-25-96	Owl Printing & Litho [redacted]	Palm Cards	250.20
10-4-96	Daily Reporter [redacted]	Pol Ad	125.00
10-12-96	Owl Printing & Litho [redacted]	Palm Card	150.12
10-16-96	The Plain Dealer [redacted]	Pol Ad	100.00
	Subtotal This Page		$4,090.47

Page 1 of 2

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

Committee to Elect Glenn Braun for State Senate
Name of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box: Cash	Check	Loan	Other	Amount of Cash, Check, Loan or Other Receipt
7/31/96	Boatmen's Bancshares, Inc. PO Box 236 St. Louis, MO 63166	Bank		✓			$300.00
8/1/96	Democratic Senatorial Campaign Committee 430 S. Capitol, SE Washington, DC 20003	Campaign Committee		✓			$1000.00
8/2/96	Transportation Political Action League 14600 Detroit Ave Cleveland, OH 44107	United Transportation Union 333 Walnut, PO Box 537 Osawatomie, KS 66064		✓			$200.00
7/30/96	K-Tape 1601 S. Sheridan Wichita, KS 67213	KS for Thorough Agricultural Political Education		✓			$100.00
8/2/96	Kansas Political Action Committee 715 W. 10th St. Topeka, KS 66612	Kansas Political Action Committee KNEA		✓			$1000.00
8/5/96	Glassman Corporation PO Box 218 Hays, KS 67601	Heating and Plumbing		✓			$500.00
8/1/96	Dan F. Schmidt [redacted]	Optometrist		✓			$200.00
7/30/96	Gladys Braun [redacted]	Homemaker		✓			$1000.00
Subtotal This Page							$4300.00

Complete if last page of schedule		
	Total Itemized Receipts for Period	16900.00
	Total Unitemized Contributions ($50 or less)	1945.00
	Sale of Political Materials (Unitemized)	0.00
	Total Contributions When Contributor Not Known	0.00
	TOTAL RECEIPTS THIS PERIOD (to line 2 of Summary)	$18,845.00

SCHEDULE C
EXPENDITURES AND OTHER DISBURSEMENTS

Committee to Elect Glenn Braun for State Senate
(Name of Candidate, Party Committee or Political Committee)

Date	Name and Address	Purpose of Expenditure or Disbursement	Amount
8/6/96	Senate Victory Fund PO Box 1811 Topeka, KS 66601	Polling, Services + Wages	$800.00
8/6/96	Northwestern Printers 114 W. 9th Hays, KS 67601	Printing	$110.14
8/30/96	Ellis County Star 709 Main Hays, KS 67601	Printing	$560.97
9/10/96	Steel Fabrications 1640 E Hwy 40 By Pass Hays, KS 67601	Displays	$121.29
9/17/96	Ellis County Democrats 3328 Lincoln Drive Hays, KS 67601	Services and Wages	$300.00
9/20/96	KHAZ PO Box 6 Hays, KS 67601	Radio Ad	$612.00
9/20/96	KAYS 2300 Hall Hays, KS 67601	Radio Ad	$360.00
9/20/96	KJLS 107 W. 13th Hays, KS 67601	Radio Ad	241.50
9/20/96	KZLS 311 E. 25th Hays, KS 67601	Radio Ad	279.00
Subtotal This Page			$3385.50

Complete if last page of Schedule		
	Total Itemized Expenditures This Period	$14918.25
	Total Unitemized Expenditures of $50 or less	245.82
	TOTAL EXPENDITURES & OTHER DISBURSEMENTS THIS PERIOD (to line 4 of Summary)	$15164.07

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

Diana K Dierks
(Name of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box: Cash	Check	Loan	Other	Amount of Cash, Check, Loan or Other Receipt
-96	Democratic Senatorial Campaign Committee 430 S. Capitol SE Washington D.C. 20003	U.S. Senate PAC		x			1000.00
-96	Edward J. Costello [redacted]			x			100.00
10-96	McPherson Co. Democrats 1524 Trail North McPherson Ks 67460	Central Committee		x			200.00
10-96	Ivan Wyatt [redacted]	Insurance Agent					200.00
10-96	Virgil G Bennett [redacted]			x			75.00
10-96	Dickinson Co Demo Cent Comm Box 302 Solomon Ks 67480	Central Comm		x			80.00
10-96	Democratic Senatonial Campaign Committee Box 1811 Topeka Ks 66601	State Demo Senators		x			500.00
10-96	Transportation Political Education League 14600 Detroit Ave Cleveland OH 44107	United Transportation Union		x			200.00
10-96	Kansas Political Action Committee 715 W 10th Topeka Ks 66612	KNEA Teachers Union		x			1000.00
28-96	Tampa State Bankshares Inc. P O Box 7 Tampa Ks 67483			x			100.00
Total This Page							3455.00

SCHEDULE C

EXPENDITURES AND OTHER DISBURSEMENTS

Diana K Dierks

ne of Candidate, Party Committee or Political Committee)

Date	Name and Address	Purpose of Expenditure or Disbursement	Amount
5-96	Marion County Record 117 S. 3rd Marion Ks 66861	Ad	90.00
5-96	All Valley Shopper Abilene Ks 67410	Ads	75.00
6-96	Abilene Printing Co 207 NE 3rd Abilene Ks 67410	Cards	231.83
6-96	Printing Plus 15 E 6th Emporia Ks 66801	Signs, cards	678.67
6-96	Senata Victory Fund Rm 347 N Capitol Bldg Topeka Ks 66612	Mailings	800.00
3-96	KNGL-KBBE P O Box 1069 McPherson Ks 67460	Radio Ads	567.00
10-96	Artshirt 109 N Main Lindsborg Ks 67456	T-shirts	123.31
10-96	Printing Plus 15 E 6th Emporia Ks 66801	Cards	319.63
10-96	Abilene Reflector Chronicls P O Box 8 Abilene Ks 67510	Ads	69.60
10-96	Herington Times P O Box 310 Herington Ks 67449	Ads	110.25
ıbtotal This Page			3065.29

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

COMMITTEE FOR MARGE PETTY
ame of Candidate, Party Committee or Political Committee)

te ceived eas.	Name and Address of Contributor	Occupation of Individual Giving More Than $150 PAC Affiliation	Type	Amount of Cash Check Loan or Other Receipt
/01/96	Democratic Senatorial Camp. Comm. 430 S. Capitol, SE Washington DC 20003-	PAC	Check	1000.00
/21/96	Distilled Spirits Council of the United States, Inc. 1250 Eye Street, NW Washington DC 20005-	Corporation	Check	100.00
/21/96	Clark Duffy [redacted]		Check	25.00
/11/96	Ecowater Systems [redacted]	Business	Check	100.00
/31/96	Gwendolyn J. Elliott [redacted]		Check	25.00
/06/96	Jett Elmer [redacted]	Consultant	Check	100.00
/31/96	Anita M. Epps [redacted]	Social worker	Check	75.00
/21/96	Wanda B. Fosdick [redacted]		Check	10.00
/21/96	Roger Franzke [redacted]	Retired	Check	100.00
SUBTOTAL THIS PAGE				1535.00

SCHEDULE C
EXPENDITURES AND OTHER DISBURSEMENTS

COMMITTEE FOR MARGE PETTY
ame of Candidate, Party Committee or Political Committee)

te	Name and Address	Purpose of Expenditure or Disbursement	Amount
/02/96	US Postmaster 1410 NW Gage Topeka KS 66618-	Postage	612.16
/02/96	US Postmaster 1410 NW Gage Topeka KS 66618-	Stamps	52.00
/05/96	Central National Bank 8th and Quincy Topeka KS 66603-	Service charge	2.00
/06/96	Senate Victory Fund PO Box 1811 Topeka KS 66601-	Contribution	800.00
/22/96	Advance Voting Project PO Box 2514 Topeka KS 66601-	Service for voters	1000.00
/28/96	Nathan Ham Photography 320 NW Laurent Topeka KS 66608-	Print	21.23
/28/96	Wolfe's Camers 635 S. Kansas Ave. Topeka KS 66603-	Photos	12.47
/28/96	Custom Photographic Services 116 E. 7th Topeka KS 66603-	Contact sheet	7.32
/03/96	Central National Bank 8th and Quincy Topeka KS 66603-	Service charge	1.00
/06/96	Sonja Erickson PO Box 1811 Topeka KS 66601-	Reimb. for copies	7.50
SUBTOTAL THIS PAGE			2515.68

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

PAT HUGGINS PETTEY
ame of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box: Cash Check	Loan	Other	Amount of Cash, Check, Loan or Other Receipt
26/96	STIRLING AUTO SUPPLY 3001 STRONG KCK 66106		✓			50.00
26/96	DEFFENBAUGH INDUSTRIES PO BOX 3220 SHAWNEE KS 66203		✓			500.00
29/96	PETE McGILL & ASSOC 300 W 8th TOPEKA, KS 66603		✓			100.00
/96	ASBESTOS COOPERATIVE 1444 KANSAS AVE KC KS 66106		✓			100.00
9/96	HLR SERVICE CORP NUTLEY, NEW JERSEY 07110		✓			300.00
9/96	KAREN L TRENT 2612 YATES KC KS 66106		✓			100.00
5/96	PHILLIP MORRIS MANAGEMENT CORP 120 PARK AVE NEW YORK N.Y. 10017		✓			500.00
5/96	DEMO SENATORIAL CAMP. COMM. 430 So CAPITOL SE WASHINGTON D.C 20003	✓	✓			1000.00
5/96	PRINGLE AUTO BODY INC 2720 So 34th KCK 66106		✓			100.00
/96	HALLMARK CARDS INC PO BOX 418307 KC MO 64141		✓			750.00
btotal This Page						3500.00

SCHEDULE C
EXPENDITURES AND OTHER DISBURSEMENTS

PAT HUGGINS PETTEY

(Name of Candidate, Party Committee or Political Committee)

Date	Name and Address	Purpose of Expenditure or Disbursement	Amount
7/29/96	KANSAS CITY STAR KANSAS CITY, MO.	ADVERTISEMENT	123.06
7/96	KANSAS CITY KANSAN 8th & ARMSTRONG KANSAS CITY, KS 66102	ADVERTISEMENT	160.50
30/96	KANSAS CITY KANSAN 8th & ARMSTRONG KANSAS CITY KS 66102	ADVERTISEMENT	165.85
30/96	PRICE @ HOPPER 4950 ROE LANE ROELAND PARK KS 66205	LUNCHEON FOR CAMPAIGN WORKERS	64.73
7/96	WELLS PRINTING 3414 STRONG AVE KANSAS CITY, KS 66106	CAMPAIGN MAILER	2309.41
1/96	COMMUNITY PUBLISHERS 3414 STRONG AVE KANSAS CITY, KS 66106	ADVERTISING	627.00
1/96	THE RECORD PUBLICATIONS 3414 STRONG AVE KANSAS CITY, KS 66106	ADVERTISING	180.00
6/96	FERI'S COOKIE BOUQUET 11111 JOHNSON DRIVE SHAWNEE, KS 66203	ELECTION RESULT NIGHT PARTY	83.57
6/96	STEVE REYES 2909 DOUGLAS AVE KANSAS CITY, KS 66106	ENTERTAINMENT ELECTION RESULT PARTY	185.00
1/96	SENATE VICTORY FUND PO BOX 811 TOPEKA, KS 66601	DONATION ✓	800.00
Total This Page			1699.12

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

Dana Critz
(Name of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box: Cash Check	Loan	Other	Amount of Cash, Check, Loan or Other Receipt
8/8/96	Democratic Sen. Comm. Campaign. P.O. Bx 1811 Topeka, Ks. 66601	D.S.C.C. PAC		✓		1,000.00 ✓
8/13/96	Hoyt A. Kerr 5863 S.W. 27th St Topeka, Ks. 66614			✓		100.00 ✓
8/14/96	Ks. NEA 715 W. 10th St Topeka, Ks. 66612	PAC		✓		1,000.00 ✓
8/20/96	Insite Care, Inc. 6611 E. Central Suite 2 Wichita, Ks 67206	Pharmacy		✓		200.00 ✓
8/20/96	Milburn Pharmacy 6217 E. 13th Wichita, Ks 67208	Joan Milburn Pharmacist		✓		200.00 ✓
8/31/96	John C. Peterson 1206 S.W. 10th Topeka, Ks 66604			✓		100.00 ✓
8/31/96	Ks Pharmacists Assoc. 308 S.W. 10th Topeka, Ks 66604	PAC		✓		1,000.00 ✓
9/5/96	Pipe Fitters Local Union #533 8600 Pflumm Rd Lenexa, Ks. 66214	Union		✓		200.00 ✓
9/9/96	Larry Froelich 2229 S.E. Sargent Topeka, Ks. 66605			✓		100.00 ✓
9/9/96	Montgomery County Dem. Committee P.O. Box 434 Coffeyville, Ks. 67337			✓		100.00 ✓
Subtotal This Page						4,000.00

SCHEDULE C
EXPENDITURES AND OTHER DISBURSEMENTS

Dana Creitz
(Name of Candidate, Party Committee or Political Committee)

Date	Name and Address	Purpose of Expenditure or Disbursement	Amount
7/29/96	Parsons, Ks. U. S. Postmaster	Bulk Mailing	757.52
7/29/96	Parsons, Ks U.S. Postmaster	Stamps	32.00
7/30/96	Parsons, Ks. The Parsons News	advertising/printing	1034.20
8/8/96	Topeka, Ks Senate Victory Fund	Mailing	800.00
8/8/96	Ace Hardware/Parsons	supplies for signs	100.12
8/8/96	Parsons, Ks. The Parsons News	advertising/printing	1,353.62
8/29/96	Parsons, Ks. U. S. Postmaster	Mailing	96.00
8/24/96	Parsons, Ks. U S Postmaster	stamps	64.00
8/26/96	The Parsons News	advertising/printing	530.08
8/31/96	Parsons, Ks. Ace Hardware	supplies/paint	76.47
Subtotal This Page			4,844.01

DANIELS FOR STATE SENATE
SCHEDULE A - CONTRIBUTIONS AND OTHER RECEIPTS

DATE	NAME AND ADDRESS OF CONTRIBUTOR	PAC AFF. OR OCC.	CASH	CHECK	LOAN	AMOUNT
072696	Cleda Dodge 1403 2nd Dodge City, KS 67801			X		25.00
080196	Democratic Senatorial Campaign Comm. 430 South Capital S.E. Washington, D.C. 20003			X		1,000.00
080496	Don Smith 2206 Roanoke Rd. Dodge City, KS 67801			X		150.00
081296	Leslie Hess 1911 6th Ave. Dodge City, KS 67801			X		200.00
081496	WILSON, LEE & GURNEY 1861 N. Rock Rd. Ste. 320 Wichita, KS 67206			X		300.00
081496	Kansas Political Action Committee 715 West 10th St. Topeka, KS 66612	KNEA		X		1,000.00
082696	Joyce Allegrucci P. O. Box 4385 Topeka, KS 66604			X		100.00
082696	Glenn Kerbs 2300 Kerri Dr. Dodge City, KS 67801			X		100.00
082696	Kathryn Sughrue 1809 La Mesa Dodge City, KS 67801			X		50.00
082996	Gertrude Jones 1914 Central, #412 Dodge City, KS 67801			X		10.00
090396	Evelyn Steimel 11804 Doll St. Wright, KS 67882			X		105.00
				Page Total		3,040.00

SCHEDULE C
EXPENDITURES AND OTHER DISBURSEMENTS

Lawrence P. Daniels
e of Candidate, Party Committee or Political Committee)

Date	Name and Address	Purpose of Expenditure or Disbursement	Amount
9/96	Kansas Coordinated Campaign P.O. Box 1914 Topeka, KS 66601	Campaign Services	800.00
12/96	Key Office Equipment 111 military Dodge City, KS 67801	Cards	391.34
21/96	Key Office Equipment 111 military Dodge City, KS 67801	~~Sdes~~ Envelopes, Copying	157.24
21/96	~~Key~~ Key Office Equipment 111 Military Dodge City, KS 67801	Stationary	130.87
/96	Lawrence P. Daniels 1501 Avenue A Dodge City, KS 67801	Mileage	306.54
12/96	Ridder/Braden, Inc. Union Station Ste. 239 1701 Wynkoop Denver, CO 80202	Voter list	332.95
2/96	Southwestern Bell P.O. Box 630017 Dallas, Tx 75263	Telephone Charges	97.77
/10/96	Mid America Political Showcase P.O. Box 1612 Jefferson, Ind. 47131	Yard Signs	734.60
1/96	Lawrence P. Daniels 1501 Avenue A Dodge City, KS 67801	mileage and to reimburse for campaign materials	317.47
1/96	SW KS Senior Beacon P.O. Box 1137 Syracuse, KS 67878	Newspaper Ad	117.00
total This Page			3385.78

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

Wade G. Garrett Campaign
...e of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box: Cash	Check	Loan	Other	Amount of Cash, Check, Loan or Other Receipt
1/6/96	Plumber's Union Local 8	PAC		✓			100.00
1/6/96	Kansas Environmental Energy Network 800 SE Quincy Topeka, KS 66612	PAC		✓			1,000.00
1/1/96	Transportation Political Action League 14600 Detroit Ave Cleveland, OH 44107	PAC		✓			500.00
1/6/96	Democratic Senatorial Campaign Committee 430 S. Capitol, SE. Washington DC. 20003	DNC		✓			1,000.00
12/96	Pipefitters Local Union 533 Volunteer Political Fund 8600 Hillcrest Road Kansas City, MO 64138	PAC		✓			150.00
1/12/96	Dennis or Debbie Berndsen 801 Columbia Hutchinson, KS 67502			✓			50.00
1/29/96	Vernon or Nora Beachy 3308 E Red Rock Rd Box 126 Valley, KS. 67585			✓			20.00
1/29/96	Teamsters Union No 795 DRIVE PAC 4921 Cessna Wichita, KS 67210	PAC		✓			500.00
1/16/96	Kansas Environmental Energy Network 400 SE Quincy Topeka KS 66612	PAC		✓			1,000.00
1/29/96	Ark Valley Political Action Committee 400 S Main Pratt, KS	PAC		✓			500.00
ubtotal This Page							4,820.00

SCHEDULE C
EXPENDITURES AND OTHER DISBURSEMENTS

Wade G Garrett Campaign
(Name of Candidate, Party Committee or Political Committee)

Date	Name and Address	Purpose of Expenditure or Disbursement	Amount
8/9/96	Senate Victory Fund	Donation	800.00
7/3/96	Wayne's Printing & Copying	Printing	239.96
7/3/96	Sign Pro	Signs	242.31
7/18/96	Sign Pro	Signs	203.91
7/3/96	The Plain Dealer	Advertising	40.00
10/8/96	KHUT Radio	Advertising	715.68
10/8/96	KSKU Radio	Advertising	760.00
10/8/96	KWBW Radio	Advertising	1,180.00
10/8/96	The Hutchinson News	Advertising	802.13
10/8/96	Wayne's Printing	Advertising	1,029.17
Subtotal This Page			6,013.16

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

GRETA HALL GOODWIN

ame of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box: Cash	Check	Loan	Other	Amount of Cash, Check, Loan or Other Receipt
3/04/96	Mesa P. O. Box 2009 Amarillo, TX 79189-2009	T. Boone Pickens and staff of Mesa Limited Partnership		X			150.00
8/04/96	Richard and Rosalie Rock P. O. Box 618 Arkansas City, KS 67005			X			100.00
8/04/96	R. J. Reynolds Tobacco Co. P. O. Box 2955 Winston-Salem, NC 27102	tobacco wholesalers		X			200.00
8/04/96	Kansas Optometric-PAC 1266 SW Topeka Blvd. Topeka, KS 66612	Kansas Optometric		X			500.00
8/04/96	Care Pac of Kansas 958 Blue Cross/Blue Shield 1133 SW Topeka Blvd. Topeka, KS 66629-0001	Insurance		X			150.00
8/06/96	Democractic Senatorial Campaign Committee 430 So. Capitol, S.E. Washington, DC 20003	Democractic Senatorial Campaign Committee		X			1,000.00
8/19/96	Kansas Political Action Comm. 715 West 10th St. Topeka, KS 66612	KNEA Education Assoc.		X			1,000.00
8/19/96	The Boeing Company P. O. Box 3999 Seattle, WA 98124-2499	Aircraft		X			500.00
8/19/96	Gary E. Hanna P. O. Box 490 Winfield, KS 67156	Financial Advisor		X			200.00
9/03/96	Pfizer, Inc. 9614 High Drive Leawood, KS 66206	Pharmaceutical		X			150.00
Subtotal This Page							3,950.00

SCHEDULE C
EXPENDITURES AND OTHER DISBURSEMENTS

GRETA HALL GOODWIN

(Name of Candidate, Party Committee or Political Committee)

Date	Name and Address	Purpose of Expenditure or Disbursement	Amount
7/27/96	Tim's T-Shirts 2403 West Ninth Winfield, KS 67156	political t-shirts	158.32
7/31/96	Signs and Designs P. O. Box 49515 Wichita, KS 67201	decals for existing political signs	154.61
8/02/96	The Arkansas City Traveler 200 East Fifth Arkansas City, KS 67005	political advertising	327.40
8/03/96	U. S. Postal Service 218 East 10th Winfield, KS 67156	stamps	64.00
8/09/96	Senate Victory Fund State Capitol Building, Room 347 Topeka, KS 66612	contribution	800.00
8/12/96	The Winfield Daily Courier 201 East Ninth Avenue Winfield, KS 67156	advertising	82.60
8/19/96	Signs and Designs P. O. Box 49515 Wichita, KS 67201	4 x 8 large yard signs	2,292.37
8/25/96	Greta Hall Goodwin 420 East 12th Avenue Winfield, KS 67156	misc. expenses: campaign office supplies, funds raiser expenses, postage, advertising, parade decorations.	370.85
8/29/96	Craig Goodwin 1310 East Ninth Winfield, KS 67156	reimbursement for 4 x 8 plyboard for signs	185.06
8/29/96	Signs and Designs P. O. Box 49515 Wichita, KS 67201	political signs	847.20
Subtotal This Page			5,282.41

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

DOUG WALKER
(Name of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box: Cash Check	Loan	Other	Amount of Cash, Check, Loan or Other Receipt
10-14-96	DEMO SENATORIAL CAMPAIGN COMM. 3652 SE TOMAHAWK DR TOPEKA KS. 66605		✓			1000.00
8-1-96	DEMO. SENATORIAL CAMPAIGN COMM 430 S. CAPITOL ST SE WASHINGTON D.C. 20003		✓			1000.00
9-16-96	DRIVE FOR KS. 1231 NW EUGENE TOPEKA KS. 66608		✓			500.00
8-10-96	STEPHEN FEINSTEIN 33737 OSAWATOMIE RD. OSAWATOMIE KS 66064	HOSPITAL SUPERINTENDENT	✓			140.00
10-23-96	FRANK FOGLE 612 E. 15TH OTTAWA KS. 66067		✓			100.00
9-30-96	FR. CO. KS. DEMOCRATIC WOMEN'S CLUB OTTAWA KS. 66067		✓			100.00
9-26-96	GLAXO WELCOME INC P.O. BOX 13358 RESEARCH TRIANGLE PARK N.C. 27709		✓			100.00
7-26-96	JOLEEN M. GRABILL 1262 COLLINS TOPEKA KS. 66604		✓			100.00
8-10-96	RICHARD GRANT 812 MAIN OSAWATOMIE, KS. 66064		✓			115.00
8-10-96	DOUG HERRIOTT 980 NW HIGH POINT DR LEES SUMMIT MO 64081	OPTOMETRIST	✓			290.00
Subtotal This Page						3,445.00

SCHEDULE C
EXPENDITURES AND OTHER DISBURSEMENTS

DOUG WALKER
(Name of Candidate, Party Committee or Political Committee)

Date	Name and Address	Purpose of Expenditure or Disbursement	Amount
7-27-96 8-30-96 9-10-96	MIKE RUSH RR1 LANE, KS. 66042	RENT RENT REIMBURSE FOR POSTAGE	300.00 300.00 63.33
10-17-96 10-23-96	MIKE RUSH	RENT REIMBURSE PAPER & POSTAGE	300.00 69.88
7-31-96	OSAWATOMIE GRAPHIC 635 MAIN OSAWATOMIE, KS. 66064	ADVERTISING	150.00
8-6-96 10-11-96	RAMSEY PRINTING 602 N. MAIN OTTAWA, KS. 66067	ENVELOPES PRINT BROCHURES	266.18 3916.82
8-6-96 10-8-96	MIAMI CO. REPUBLIC 121 S. PEARL PAOLA, KS. 66071	SUBSCRIPTION ADVERTISING	31.50 627.00
9-9-96 9-20-96	SENATE VICTORY FUND P.O. BOX 1811 TOPEKA KS 66601	CONTRIBUTION POLLING EXPENSES	800.00 200.00
10-9-96	CARL MORGAN 28815 WINDSOR RD. PAOLA, KS. 66071	COOKING - FUNDRAISER	200.00
10-9-96	RACHEL WALKER 212 1ST ST. OSAWATOMIE, KS 66064	MEAT FOR FUNDRAISER	181.00
10-10-96	TWIN RIVERS JAZZ BAND 501 E. MILL OSAWATOMIE KS 66064	BAND FOR FUNDRAISER	350.00
10-11-96	HAMBLIN RENTAL 31600 OLD KC ROAD PAOLA KS 66071	TABLES & CHAIRS FUNDRAISER	104.84
Subtotal This Page			7,860.55

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

Feleciano Campaign for the 90's

ame of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box				Amount of Cash, Check, Loan or Other Receipt
			Cash	Check	Loan	Other	
8- 1-96	The Kansas Realtors PAC 3644 Burlingame Road Topeka, Kansas 66611	Real Estate PAC		X			$ 1,000.00
8- 2-96	MESA P. O. Box 2009 Amarillo, Texas 79189-2009	Corporation		X			$ 200.00
8- 2-96	Kansas Dealers Election Action Committee 800 S. W. Jackson Ste.110 Topeka, Kansas 66612	Automobile Dealers		X			$ 200.00
8- 3-96	Kansas Cable PAC P.O. Box 3027 Wichita, Kansas 67201	Cable PAC		X			$ 500.00
8- 3-96	Classic Cable Inc. 515 Congress Avenue Ste. 2625 Austin, Texas 78701	Corporation		X			$ 250.00
8- 3-96	Democratic Senatorial Campaign Committee 430 South Capital S.E. Washington, D.C. 20003	Senate Committee		X			$ 1,000.00
8-12-96	Western Resources Employee PAC P.O. Box 889 Topeka, Kansas 66601	Utility Employee PAC		X			$ 250.00
8-14-96	Kansas Political Action Committee 715 West 10th St.	KNEA Teachers PAC		X			$ 1,000.00
9- 4-96	Panhandle Eastern Corporation PAC 5400 Westheimer Houston, Texas 77056	Oil and Gas PAC		X			$ 250.00
9- 4-96	Democratic Senatorial Campaign Committee P.O. Box 1811 Topeka, Kansas 66601	Senate Campaign Comm.		X			$ 1,000.00
Subtotal This Page							$ 5,650.00

SCHEDULE C
EXPENDITURES AND OTHER DISBURSEMENTS

Feleciano Campaign for the 90's
ne of Candidate, Party Committee or Political Committee)

Date	Name and Address	Purpose of Expenditure or Disbursement	Amount
-25-96	Diane McDermitt 6845 West 76th St. Overland Park, Kansas 66204	Entering Data for Mass Mailing Piece #1056	$ 241.00
-22-96	American Express P.O. Box 630001 Dallas, Texas 75363-0001	Campaign Expenses for Meals, Gasoline and Mileage #1055	$ 346.97
-26-96	Kansas Turnpike Authority P.O. Box 750007 Wichita, Kansas 67278-0007	Turnpike Fees #1057	$ 100.00
-23-96	U.S. Postmaster Chisholm Station Wichita, Kansas 67217	Postage #1050	$ 128.00
-15-96	Commissioner of Election 510 North Main Wichita, Kansas 67203	Primary Election Computer Return Report #1058	$ 11.85
-12-96	Kansas Democrat Party P.O. Box 1914 Topeka, Kansas 66601	Voter ID Program; Polling Voter contact Services Field Organization #1059	$ 800.00
-15-96	American Express P.O. Box 630001 Dallas, Texas 75363-0001	Campaign Expenses for Meals, Gasoline and Mileage #1060	$ 404.67
29-96	Sophie George 2900 SE Aries Ave Topeka, Kansas 66603	Data Entry for Mailing #1061	$ 213.61
1-96	Diane McDermitt 6845 West 76th St. Overland Park, Kansas 66204	Data Entry for Mailing #1062	$ 176.97
2-96	U.S. Postmaster Chisholm Station Wichita, Kansas 67217	Postage #1063	$ 96.00
otal This Page			$ 2,519.07

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

Kansas Democratic State Committee
ame of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box: Cash Check	Loan	Other	Amount of Cash, Check, Loan or Other Receipt
.0/10	Association of Trial Lawyers of America 1050 31st St NW Washington DC 20007	Membership Organization		x		15000.00
)/12	Tom Docking for Kansas Committee Wichita, KS 67201	Campaign Committee		x		1020.73
)/27	Christine Downey for State Senate 10320 Wheat State Rd Irman, KS 67546	Campaign Committee		x		150.00
'/28	Norbert Dreiling 3006 Tan O Shanter Dr Hays, KS 67601			x		100.00
/8	Committee For Responsible Government 700 SW Jackson Ste 803 Topeka, KS 66603			x		500.00
/20	Feleciano Campaign for the 90's 815 Barbara St Wichita, KS 67217	Campaign Committee		x		800.00
/16	Findley for State Representative 1741 W 19th St Apt 8A Lawrence, KS 66046	Campaign Committee		x		400.00
/2 /20	DNC Services Corporation/Non-Fed 430 S Capitol SE Washington, DC 20003	National Party		x x		6250.00 3125.00
)/16	DNC Non-Federal Labor Account 430 S Capitol SE Washington, DC 20003	National Party		x		2125.00
)/10	United Democrats for Kansas Box 824 Topeka, KS 66601	House Democrats		x		5000.00
)tal This Page						34470.73

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

CHRIS STEINGER

(Name of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box: Cash	Check	Loan	Other	Amount of Cash, Check, Loan or Other Receipt
30-96	Jack Steinger 6400 Valley View Rd Kansas City KS 66111	Retired		X			$1,000.00
5-96	Martha Blair 655 India St., Suite 321 San Diego CA 92101	Real Estate / Restaurant owner		X			500.00
7-96	Emily Leisy 370 Brannon Way Menlo Park CA 94025	Retired		X			200.00
12-96	Democratic Senatorial Campaign Committee 430 South Capitol, S.E. Washington, D.C. 20003	N/A		X			1,000.00
24-96	Arthur Wright P.O. Box 2345 Kansas City KS 66110	Self employed / Contractor		X			500.00

Subtotal This Page: 3,200.00

Complete if last page of hadule		
	Total Itemized Receipts for Period	3,200.00
	Total Unitemized Contributions ($50 or less)	325.00
	Sale of Political Materials (Unitemized)	0
	Total Contributions When Contributor Not Known	0
	TOTAL RECEIPTS THIS PERIOD (to line 2 of Summary)	3525.00

SCHEDULE C
EXPENDITURES AND OTHER DISBURSEMENTS

CHRIS STEINGER

Name of Candidate, Party Committee or Political Committee)

Date	Name and Address	Purpose of Expenditure or Disbursement	Amount
7-26-96	3414 STRONG Kansas City KS 66106 WELLS PRINTING	Printing Mailers	$2,090.00
7-28-96	THE CALL 2730 N. 13th Kansas City KS 66104	Advertisement	97.50
7-31-96	Wells Printing 3414 Strong Kansas City KS 66106	Print	2,029.60
8-1-96	The Record 3414 Strong Kansas City KS 66106	Advertisement	536.32
8-5-96	U.S. Postal Service 1310 N. 78th Terr Kansas City KS 66112	Postage	96.00
8-6-96	Signings 6832 Haw Dr Kansas City KS 66111	Election Eve/Watch Party Supplies	111.24
8-8-96	The Kansan 901 N. 8th Kansas City KS 66101	Advertising	85.60
8-12-96	Kansas Democratic Party 700 SW Jackson Topeka KS 66601	Donation	800.00
10-4-96	Labor Beacon 625 W. 39th, Suite 104 Kansas City, MO 64111	Advertising	100.00
Subtotal This Page			$5,946.26

Complete if last page of Schedule		
	Total Itemized Expenditures This Period	5,946.26
	Total Unitemized Expenditures of $50 or less	115.70
	TOTAL EXPENDITURES & OTHER DISBURSEMENTS THIS PERIOD (to line 4 of Summary)	6,061.96

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

Kansas Democratic State Committee

(Name of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box			Amount of Cash, Check, Loan or Other Receipt
			Cash	Check	Loan / Other	
9/27	Mid-America Ag. System, Inc. 642 Idlewilde St Salina, KS 67401	Radio		x		2000.00
9/16	Elect Chris Steineger 51 S 64th Kansas City, KS 66111	Campaign Committee		x		800.00
10/8	David Steiner Llewellen Park Orange, NJ 07052	Attorney		x		5000.00
10/21	Kansas AFL-CIO COPE Fund 2131 SW 36th Topeka, KS 66611	Labor		x		2500.00
10/10	Douglas County Democrats Box 63 Lawrence, KS 66044	County Party		x		4500.00
/21	Democratic Luncheon Club 700 SW Jackson Topeka, KS 66603	Affiliated Organization		x		100.00
10/16	Alabama Democratic Party 290 21st St, N Ste 405 Birmingham, AL 35203	State Party			x	14990.00
10/15	Plumbers Local Union 8 PAC 8600 Hillcrest Ste 2 Kansas City, MO 64136	Plumbers		x		1000.0.
/17	Total Concept Graphics 4407 Cloudburst Rd Hickory Hill, TN 38141	Printing Brokerage Firm		x		10000.00
/17	Williamson Oil Co., Inc. Box 807 Fort Payne, AL 35967	Oil		x		15000.00
Total This Page						55890.00

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SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

Gerald (Jerry) Karr
(Name of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box: Cash	Check	Loan	Other	Amount of Cash, Check, Loan or Other Receipt
7/31/96	Anheuser-Busch Cos., Inc. St. Louis, Mo.	Brewers		x			100.00
7/31/96	R. J. Reynolds Tobacco Co PO Box 2955 Winston, Salem, No. Carolina 27102	Tobacco		x			150.00
" "	MESA PO Box 2009 Amarillo, Texas 79189	———		x			150.00
8/6/96	Jack Parsons Council Grove, Ks.	Retired		x			100.00
"	Auto Kansas Dealers Associatn AC 800 SW Jackson Ste 1110 Topeka, Kansas 66612	Automobile Dealers		x			250.00
"	Democratic Senatorial Campaign COmmittee 430 South Capitol S.E. Washington, D.C. 20003	Democratic Party		x			1,000.00
8/20/96	Reita Richel 1244 Market Street Emporia, Kansas 66801	Retired		x			100.00
"	Dale E. Bell 2701 Monterey Drive Emporia, Kansas 66801	Attorney		x			100.00
"	Kansas PAC 715 West 10th St. Topeka, Kansas 66612			x			1,000.00
9/16/96	Kansas Dental PAC 5200 Huntoon Topeka, Kansas 66604	Dentists		X			500.00
Subtotal This Page							$3,450.00

SCHEDULE C
EXPENDITURES AND OTHER DISBURSEMENTS

Gerald (Jerry) Karr
(Name of Candidate, Party Committee or Political Committee)

Date	Name and Address	Purpose of Expenditure or Disbursement	Amount
7/31/96	Junction City Daily Union Junction City, Kansas	Newspaper ads	168.02
"	Smoke Signal Wamego, Kansas	Newspaper ads	72.00
"	Special Events Box 49 Winona, Minnesota 55987	Campaign buttons	111.00
8/6/96	John North Ford West Highway 50 Emporia, Kansas 66801	Van rental	372.56
"	SAZAC Sportswear P O Box 415 Alma, Kansas 66833	Campaign caps & shirts	490.11
"	Keynotes 437 Houston St. Manhattan, Kansas 66502	Newspaper ads	144.00
"	TODAY 324 Hudson Drawer A Burlington Kansas 66839	Newspaper Ads	54.88
8/13/96	Chase County Leader P O Box K 306 Broadway Cottonwood Falls, Ks 66845	Newspaper ads	61.00
"	Senate Victory Fund Kans. Coordinated Campaign P O Box 1914 Topeka, Kansas 66601	Polling and voter data	800.00
"	Grass and Grain Manhattan, Kansas	Newspaper ads	90.00
Subtotal This Page			$2,363.57

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

Senator Janis Lee

ıe of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box				Amount of Cash, Check, Loan or Other Receipt
			Cash Check	Loan	Other		
29-96	Kansas Agri Business Council PO Box 2429 Topeka, KS 66601	Agriculture	X				$500.00
29-96	Brush Art Box 217 Downs, KS 67437	Advertising Agency	X				$571.53
1-96	Democratic Senatorial Campaign Comm. 430 S. Capitol, S.E. Washington, D.C. 20003	Campaign PAC	X				$1,000.00
25-96	MESA PO Box 2009 Amarillo, TX 79189	Business PAC	X				$200.00
1-96	Vulcan Materials Company 6200 S. Ridge Road Wichita, KS 66277	PAC	X				$200.00
9-96	Doyle Fair 150 N. Main Wichita, KS 67202	Geologist	X				$500.00
12-96	Kansas Political Action Comm. 715 W. 10th Topeka, KS 66612	KNEA PAC	X				$500.00
2-96	Dr. Duane Scott 2714 M St. Belleville, KS 66935	Physician	X				$100.00
14-96	Panhandle Eastern Corp. 5400 Westheimer Houston, TX 77056	Oil PAC	X				$200.00
29-96	Sunflower Electric Power PO Box 980 Hays, KS 67601	Energy Co.	X				$250.00
otal This Page							$4,021.53

SCHEDULE C
EXPENDITURES AND OTHER DISBURSEMENTS

ator Janis Lee
ıe of Candidate, Party Committee or Political Committee)

Date	Name and Address	Purpose of Expenditure or Disbursement	Amount
'-96	Osborne County Farmer 210 W. Main Osborne, KS 67473	Printing Inserts	$495.23
.0-96	Russell Daily News PO Box 513 Russell, KS 67665	Advertising Insert	$257.60
13-96	KS Coordinated Campaign Comm. PO Box 1914 Topeka, KS 66601	Polling, Voter Data	$800.00
10-96	US Post Office Kensington, KS	Bulk Mailing Fee	$170.00
26-96	KS National Education Assoc. 715 W. 10th St. Topeka, KS 66612	Printing	$175.81
4-96	Hamilton Telecommunications 1006 12th St. Aurora, NE 68818-2097	Polling	$2,000.00
7-96	Wilson World PO Box 526 Wilson, KS 67490	Advertising Insert	$54.50
11-96	SRM Software 454 E. 137th St. Carbondale, KS 66414	Labels for mailing	$235.27
25-96	Ready Mail 1313 SW 21st St. Topeka, KS 66604	Mailing	$993.60
26-96	Ellwsorth Reporter PO Box 7 Ellsworth, KS 67439	Advertising	$388.80
otal This Page			$5,570.81

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

bristine Downey
: of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box				Amount of Cash, Check, Loan or Other Receipt
			Cash	Check	Loan	Other	
/26/96	R.J. Reynolds P.O. Box 2955 Winston-Salem, N.C. 27102			X			150.00
/03/96	E.L. Lee Kinch 601 Honeybrook Ln Derby, KS 67037			X			100.00
/07/96	Boatmen's Bancshares Inc. P.O. Box 236 St. Louis, MO 63166	Officers & Directors of BANK IV/ BOATMEN'S		X			250.00
/05/96	Democratic Senatorial Campaign Committee 430 South Capitol S.E. Washington, D.C. 20003	National Incumbent PAC--Current & Prospective Senatorial Members		X			1,000.00
07/96	MESA, Inc. P.O. Box 2009 Amarillo, TX 79189	Natural Gas Producer		X			150.00
/08/96	Kansas Contractors Association PAC P.O. Box 5061 Topeka, KS 66605	Kansas Contractors		X			250.00
/08/96	Roger & Alma Grant 2603 N. Main Newton, KS 67114			X			100.00
/08/96	Kansas Optometric PAC 1266 SW Topeka BLVD Topeka, KS 66612	American Optometric Association		X			500.00
/14/96	Boeing Company P.O. Box 3999 Seattle, WA 98124-2499			X			500.00
/14/96	Kansas Political Action Committee 715 W. 10th St. Topeka, KS 66612	Kansas National Education Association		X			1,000.00
ubtotal This Page							4,000.00

SCHEDULE C
EXPENDITURES AND OTHER DISBURSEMENTS

Christine Downey
e of Candidate, Party Committee or Political Committee)

Date	Name and Address	Purpose of Expenditure or Disbursement	Amount
5/01/96	High Plains Graphics 124 S. Walton Ave. Walton, KS 67151	T-Shirt Printing	300.23
5/20/96	Senate Victory Fund P.O. Box 1811 Topeka, KS 66601	Field Organizer/Campaign Coordinator Assistance	800.00
5/26/96	Vada Snider P.O. Box 332 North Newton, KS 67117	2 Hours Photography Layout	150.00
5/12/96	Sam's Club 3415 N. Rock Rd Wichita, KS 67226	Parade Candy	63.41
5/15/96	Paper, Etc. 611 N. Main Newton, KS 67114	Thank You Notes	56.13
5/11/96	Hamilton Telecommunications 1001 Twelfth St. Aurora, NE 68818	Polling Services	2,000.00
5/15/96	Vada Snider P.O. Box 332 North Newton, KS 67117	Flyer & Handcard Layout & Prepress	255.00
5/15/96	Plaindealer 3830 S. Meridian Wichita, KS 67217	Advertisement	60.00
5/15/96	Mennonite Press P.O. Box 867 532 N. Oliver Rd. Newton, KS 67114	Flyer Printing	721.18
5/15/96	High Plains Graphics 124 S. Walton Ave. Walton, KS 67151	Large Yard Signs & Buttons	570.00
otal This Page			4,975.95

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

Richard Hazell
...ie of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box: Cash	Check	Loan	Other	Amount of Cash, Check, Loan or Other Receipt
1/1/96	Democratic Senatorial Camp. Comm. 430 South Capital S.E. Washington D.C.			✓			1,000.00
1/1/96	Robert J. Beary 3207 Almeda Genoa Houston Texas	Executive Bd. Director A.F.A	✓				100.00
1/1/96	Tom Marshall 229. N. King Street Leesburg Va. 22075	School Administrator		✓			25.00
1/2/96	Ronald M. Estes 8514 Lakeland DR. Wichita, Kansas 67207			✓			25.00
1/2/96	Janet L. Lilienthal 125 Summer St. 13th Floor Boston, Mass 02110			✓			100.00
1/4/96	Rachael Pinner 1053 Coolidge Ave. Wichita, Kansas 67203			✓			100.00
1/1/96	Wichita Area Coalition 417 East English Wichita, Ks.	AFL-CIO		✓			50.00
1/10/96	Lu E. Crow 10807 W. Cemetery Rd. Nickerson, Ks. 67561			✓			25.00
1/17/96	Larry Schulte RR 2 Box 161 Mulvane, Ks. 67110			✓			25.00
1/8/96	Charles Rust 3053 Fairview Wichita, Ks. 67204			✓			25.00
ubtotal This Page							1,475.00

SCHEDULE C
EXPENDITURES AND OTHER DISBURSEMENTS

Richard Hazell
(Name of Candidate, Party Committee or Political Committee)

Date	Name and Address	Purpose of Expenditure or Disbursement	Amount
8/21/96	Democratic Senate Victory Fund	Field Workers/ Coop Programs	800.00
8/19/96	Mid Cont. Fed. Savings Bank 67202 124 W. Central/ Eldorado	Service charge	2.00
8/28/96	John AH Photography 8995 W. Central Wichita, Ks. 67212	Campaign Photos	29.06
8/31/96	Office Depot 4600 W. Kellogg Wichita, Ks. 67209	Printing cost/ Flyers	16.40
9/5/96	Postmaster Downtown Station	Stamps	32.00
9/12	AH Photography 8995 W. Central Wichita, Ks. 67212	Photographs	12.70
9/12	CW1 Printing 431 S. St. Francis Wichita, Ks. 67202	Printing	403.90
9/16	Postmaster Downtown Station	Stamps	32.00
9/13	Mid Cont. Bank Fed. Savings	Service Charge	2.00
9/27	Office Depot 4600 W. Kellogg Wichita, Ks. 67209	Printing + Env'l.	29.57
Subtotal This Page			1359.63

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

Micheline Z. Burger
Name of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box				Amount of Cash, Check, Loan or Other Receipt
			Cash	Check	Loan	Other	
/2/96	Rebecca D. Brock 18512 West 114th Street Olathe, Kansas 66061			X			$ 100.00
/2/96	Edward L. Bigus, P.A. 11900 West 87th Street Parkway Suite 240 Lenexa, Kansas 66215			X			$ 100.00
/5/96	Democratic Senatorial Campaign Committee 430 South Capitol Street, S.E. Washington, D.C. 20003			X			$ 1,000.00
/5/96	Ray L. & Raena L. Borth 12738 Overbrook Road Leawood, Kansas 66209	Attorney		X			$ 200.00
'96 & /7/96	Burger Engineering, Inc. 1700 East 123rd Street Olathe, Kansas 66061			X			$ 1,000.00
/13/96	Daniel Forgy 11428 West 112th Terrace Overland Park, Kansas 66210			X			$ 100.00
/13/96	Marilyn K. Slezak 25800 West 127th Street Olathe, Kansas 66061			X			$ 100.00
/15/96	Susan Ellmaker 10901 Lowell, Suite 120 Overland Park, Kansas 66210			X			$ 100.00
/15/96	Donna Patton 5537 Chadwick Shawnee Mission, Kansas 66205	Insurance Sales		X			$ 200.00
/15/96	Micheline Burger 21001 Bittersweet Olathe, Kansas 66220	Candidate		X			$ 1,000.00
total This Page							$ 3,900.00

SCHEDULE C
EXPENDITURES AND OTHER DISBURSEMENTS

licheline Z. Burger
ne of Candidate, Party Committee or Political Committee)

Date	Name and Address	Purpose of Expenditure or Disbursement	Amount
8/29/96	Kansas Coordinated Campaign Committee P.O. Box 1914 Topeka, Kansas 66601-1914	Polling, Filed Organizers, Voter Data & Administration	$ 800.00
8/29/96	Susan Nugent 13715 Alhambra Leawood, Kansas 66624	Reimbursement for Bulk Mailing	$ 2,341.43
9/9/96	The Labor Times 228 West Fourth Street Kansas City, Missouri 64105	Newspaper Advertisement	$ 150.00
9/12/96	Lees Printing Co., Inc. 261 Orchard Kansas City, Kansas 66101	Letterheads, Envelopes, Posters & Brochures	$ 2,194.43
9/13/96	Gino Licatta 8919 Acuff Lenexa, Kansas 66215	Video Production	$ 500.00
9/13/96	U. S. Postmaster 12433 Antioch Road Overland Park, Kansas	Bulk Mailing	$ 56.83
9/13/96	U. S. Postmaster 12433 Antioch Road Overland Park, Kansas	Bulk Mailing	$ 4,291.10
9/17/96	The Kansas City Star 8455 College Blvd. Overland Park, Kansas 66210	Newspaper Advertisement	$ 272.20
9/21/96	TCI Media Services 10901 Granada Lane, Suite 202 Overland Park, Kansas 66211	Cable Television Advertising	$ 2,669.00
9/24/96	The Kansas City Star 8455 College Blvd. Overland Park, Kansas 66210	Newspaper Advertisement	$ 272.20
ubtotal This Page			$ 13,547.19

SCHEDULE C
EXPENDITURES AND OTHER DISBURSEMENTS

John N. Sears

(Name of Candidate, Party Committee or Political Committee)

Date	Name and Address	Purpose of Expenditure or Disbursement	Amount
9/26/96 10/22/96	Rawlins County Square Deal P.O. Box 371 Atwood, Ks 67730	Print Advertising	128.80
10/7/96	Scott County Record P.O. Box 398 Scott City, Ks 67871	Print Advertising	76.80
9/1/96	Senate Victory Fund P.O. Box 1811 Topeka, Ks 66601	Coordinated Campaign Expense	800.00
10/7/96	Senior Time P.O. Box 279 Sharon Springs, Ks 67758	Print Advertising	89.50
10/11/96	Sherman County Star P.O. Box 599 Goodland, Ks 67735	Print Advertising	99.60
Various	Southwestern Bell Telephone P.O. Box 930170 Dallas, Tx 75393-0170	Telephone	283.61
9/1/96	Topeka Federation of Labor P.O. Box 8129 Topeka, Ks 66608	Yard Signs	2,050.00
Various	Visa P.O. Box 30642 Salt Lake City, Ut 84130-0642	Advertising, Travel, Misc	2,394.11
10/7/96	Western Kansas World P.O. Box 218 Wakeeney, Ks 67672	Print Advertising	62.80
Subtotal This Page			5,985.22

Complete if last page of Schedule	Total Itemized Expenditures This Period	26,185.26
	Total Unitemized Expenditures of $50 or less	49.50
	TOTAL EXPENDITURES & OTHER DISBURSEMENTS THIS PERIOD (to line 4 of Summary)	26,234.76

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

DONALD E. BIGGS
(Name of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box: Cash	Check	Loan	Other	Amount of Cash, Check, Loan or Other Receipt
07/27/96	Steve Stoskopf 1500 Linn St.,P.O.Box 188 Valley Falls, KS 66088			X			25.00
07/29/96	Richard R. Danielson 1325 Florida Mall Ave Orlando, FL 32809			X			100.00
07/30/96	Ralph & Lucille Atchison 3037 Shrine Park Road Leavenworth, KS 66048			X			100.00
07/30/96	Wichita Greyhound Park 1500 E.77th St.,North P.O.Box 277 Valley Center, KS 67147	Pat Hubbell Associates Governmental Relations		X			500.00
08/05/96	Democratic Senatorial Campaign Committee, 430 S. Capitol St. S.E. Washington, DC 20003	Political Group		X			1,000.00
08/06/96	Frank & Virginia Wilson 425 Shawnee St. Leavenworth, KS 66048			X			100.00
08/06/96	Transportation Political Education League 14600 Detroit Ave Cleveland, OH 44107	Transportation Political Educational League		X			200.00
08/08/96	Jeanne & Dale Quesenbury 3100 County Rd #5 Leavenworth, KS 66048			X			100.00
08/15/96	Kansas Political Action Committee 715 W. 10th Topeka, KS 66612	KNEA Teachers		X			1,000.00
08/16/96	Leone & Buck Jones 1101 Holman Leavenworth, KS 66048			X			25.00
Subtotal This Page							3,150.00

SCHEDULE C
EXPENDITURES AND OTHER DISBURSEMENTS

DONALD E. BIGGS
(Name of Candidate, Party Committee or Political Committee)

Date	Name and Address	Purpose of Expenditure or Disbursement	Amount
09/05/96 CK#1022	Senate Victory Fund P. O. Box 1811 Topeka, KS 66601	Contribution to Senate Victory Fund	800.00
09/09/96 CK#1023	Kreutzer Printing 744 Delaware St. Leavenworth, KS 66048	Letters printed on supplied stock	33.36
09/09/96 CK#1024	U. S. Post Office Leavenworth, KS 66048	Postage for Mailings	160.00
09/12/96 CK#1025	Superior Printing Co. 510 Cherokee St. Leavenworth, KS 66048	Hand outs - 2 sides (5000)	245.69
09/19/96 CK#1026	Ks Senate Victory Fund P. O. Box 1811 Topeka, KS 66601	Polling Services	200.00
09/19/96 CK#1027	SRM Software 454 E. 137th St. Carbondale, KS 66414	Mailing List	215.72
09/20/96 CK#1028	U. S. Post Office Leavenworth, KS 66048	Postage for Mailings	32.00
10/07/96 CK#1029	Young Sign Co. 326 Choctaw Leavenworth, KS 66048	Wire frames for Posters	9.64
10/08/96 CK#1030	Ready Mail 1313 S.W. 21st St. Topeka, KS 66604	Mailings of Political Info.	3,634.83
10/08/96 CK#1031	First City Photo 406 Shawnee St. Leavenworth, KS 66048	Location Shootings w/camera	86.86
Subtotal This Page			5,418.10

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

Allan White
me of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box: Cash	Check	Loan	Other	Amount of Cash, Check, Loan or Other Receipt
5/96	Pamela Allen 920 Neal Salina, KS 67401			X			100.00
5/96	Clarence King Jr. 5972 Centennial Rd Smolan, KS 67479			X			100.00
5/96	Gordon E. Maxwell 414 Wayne Salina, KS 67401			X			100.00
5/96	Democratic Senatorial Campaign Committee 430 S. Capitol SE Wash. DC 20003	Natl. Democratic Committee		X			1000.00
2/96	Kansas PAC 715 W. 10th Topeka, KS 66612	Education		X			1000.00
9/2/96	John Adams 911 Barlow Dr. Salina, KS 67401			X			100.00
9/2/96	Ruth Cathcart-Rake 3265 E. Country Club Rd. Salina, KS 67401			X			99.00
9/2/96	Michael Blevins 551 Seitz Dr. Salina, KS 67401			X			100.00
9/8/96	Democratic Senatorial Campaign P.O. Box 1811 Topeka, KS. 66601	State Democratic Committee		X			500.00
9/8/96	Tommye Sexton 2116 Fairdale Ct. Salina, KS 67401			X			100.00
Subtotal This Page							3199.00

SCHEDULE C
EXPENDITURES AND OTHER DISBURSEMENTS

Allan White
ame of Candidate, Party Committee or Political Committee)

Date	Name and Address	Purpose of Expenditure or Disbursement	Amount
8/25/96	Allan White 112 W. Neal Court Salina, KS. 67401	Campaign signs, emery boards, paper products	753.73
9/8/96	Don Merriman 2515 Rockhurst Salina, KS. 67401	Yard Sign Wooden Stakes	188.86
9/8/96	Arrow Printing Co. P.O. Box 2829 Salina, KS. 67402-2829	Campaign Cards	572.86
9/8/96	Senate Victory Fund PO Box 1611 Topeka, KS 66601	Voter Contact Services	800.00
10/11/96	Econo Print 6261 SW 9Terrace Topeka, KS	Campaign Printing	1393.90
10/11/96	Delphos Republican 215 E. Main Glasco, KS 67445	Newspaper Ads	200.00
10/11/96	Minneapolis Messenger 108 N. Concord St Minneapolis, KS 67467	Newspaper Ads	200.00
10/13/96	Ad Help Inc. Salina, KS. 67401	Radio Ads (Multiple Radio Stations)	6111.80
10/19/96	Salina Concrete 1100 W. Ash Salina, KS. 67401	Rebar for signs	93.21
10/17	Salina Journal 333 S. 4th Salina, KS. 67401	Newspaper Ads	192.60
Subtotal This Page			10506.96

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

U.L. "RIP" GOOCH

(Name of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box: Cash	Check	Loan	Other	Amount of Cash, Check, Loan or Other Receipt
30/96	Kansas Contractor's Assoc. P. O. Box 5061 Topeka, KS 66605	PAC		X			200.00
30/96	Ks. Political Action Committee 715 W. 10th St. Topeka, Ks. 66612	PAC		X			1,000.00
'30/96	Democratic Senatorial Campaign Committee - P. O. Box 1811 Topeka, KS 66601	Senatorial Campaign		X			1,000.00
'30/96	Anheuser-Busch Co., Inc. c/o John C. Peterson 1206 W. 10th Topeka, KS 66604			X			100.00
	DELETED						
	DELETED						
/2/96	Stan E. Wisdom 212 N. Market Wichita, KS 67202	Attorney		X			100.00
/2/96	Steven Buick, Inc. 11211 E. Kellogg P. O. Box 789762 Wichita, KS 67278	Auto Dealership		X			100.00
/2/96	MESA P.O. Box 2009 Amarillo, Texas			X			150.00
/2/96	Russell W. Meyer, Jr. 600 Tara Court Wichita, KS 67206	PAC		X			500.00
Subtotal This Page							$3,150.00

SCHEDULE C
EXPENDITURES AND OTHER DISBURSEMENTS

U.L. "RIP" GOOCH

ne of Candidate, Party Committee or Political Committee)

Date	Name and Address	Purpose of Expenditure or Disbursement	Amount
26/96	U.L. " Rip" Gooch 12 Crestview Lakes Wichita, KS 67220	Reimbursed for postage stamps	122.00
9/96	North Heights Christian Church 2707 N. Grove Wichita, KS 67219	Community Reception for U.L. "Rip", Gooch's re-election	500.00
7/96	U.L. "Rip" Gooch 12 Crestview Lakes Wichita, KS 67220	Reimbursed for advertisement MCADAMS GOLF TOURNAMENT	150.00
7/96	Garden Cafe #414 2120 N. Woodlawn Wichita, KS 67208	Breakfast Planning Meeting	102.46
11/96	Senate Victory Fund P.O. Box 1811 Topeka, KS 66601	Democratic Senatorial Campaign Commission - Voter Contact Services	800.00
11/96	Vanbros & Associates Overland Park Kansas	Full Page Ad Ms. Kansas, USA & Miss Teen	500.00
19/96	Girl Friday Desktop Publishing & Printing 4624 E. 13th Street Wichita, KS 67208	5,000 Flyers Re-elect Rip Gooch Campaign	90015
9/23/96	Contemporary Communications 435 N. Mosley Wichita, Ks. 67202	Labels, Postage	895.50
9/23/96	Eastwood Quizz Studio 2425 W. 13th Street Wichita, KS 67203	Campaign Photo of the candidate Glossy Black & White	54.54
9/25/96	Office Depot, Inc. 4600 W. Kellogg Wichita, KS 67209	Campaign Expenses	108.65
ubtotal This Page			$4,133.30

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

Anthony Hensley
ıe of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box: Cash	Check	Loan	Other	Amount of Cash, Check, Loan or Other Receipt
8-6-96	Care PAC of Kansas 800 SW Jackson, Suite 808 Topeka, KS 66612	Blue Cross Blue Shield of Kansas, Inc.		✓			150.00
8-6-96	International Association of Firefighters Club 83 3500 NW Green Hills Rd. Topeka, KS 66618	Firefighters Union		✓			500.00
8-6-96	Community Bankers Assn. PAC 5605 SW Barrington Ct., Suite 100 Topeka, KS 66614	Community Bankers Assn.		✓			300.00
8-6-96	American Insurance Assn. PAC 1130 Connecticut Ave., N.W., Suite 1000 Washington, D.C. 20036	American Insurance Assn.		✓			150.00
8-6-96	Jerry R. Palmer 305 Greenwood Topeka, KS 66606			✓			100.00
8-6-96	Vaughn Flora for State Rep. 431 SE Woodland Topeka, KS 66607	Reimbursement of shared contributions		✓			85.00
8-20-96	Kansas Political Action Comm. 715 W. 10th St. Topeka, KS 66612	Kansas National Education Association		✓			1,000.00
8-20-96	Democratic Senatorial Campaign Committee 430 South Capitol, S.E. Washington, D.C. 20003	Democratic Senate Caucus		✓			1,000.00
8-20-96	Anheuser-Busch Companies St. Louis, MO	Anheuser-Busch Companies, Inc.		✓			100.00
9-16-96	Kansas Dental Political Action Comm. 5200 Huntoon Topeka, KS 66604	Kansas Dental Association		✓			500.00
Subtotal This Page							3,885.00

SCHEDULE C
EXPENDITURES AND OTHER DISBURSEMENTS

Anthony Hensley
.e of Candidate, Party Committee or Political Committee)

Date	Name and Address	Purpose of Expenditure or Disbursement	Amount
9-6-96	Econ-O-Print P.O. Box 4041 Topeka, KS 66604	Printing	1,911.72
9-9-96	Postmaster Topeka, KS 66601	Postage stamps	128.00
9-11-96	Kansas Democratic Party P.O. Box 1914 Topeka, KS 66601	Voter contact services	1,047.50
9-18-96	Graphic Solutions 3424 SE Walnut Dr. Topeka, KS 66605	Graphics for campaign literature	115.52
21-96	Cormier Liquor Store 2611 SE California Ave. Topeka, KS 66605	Beer for Fundraiser	66.20
9-24-96	Ethel Heath 3141 SE Girard Topeka, KS 66605	Supplies and food for Fundraiser	148.43
9-24-96	Kansas Coordinated Campaign P.O. Box 1914 Topeka, KS 66601	Voter contact services	800.00
10-1-96	SRM Software 454 E. 137th St. Carbondale, KS 66414	Voter computer file	503.80
10-4-96	Topeka Federation of Labor COPE 1231 N.W. Eugene St. Topeka, KS 66608	Yardsigns and wires	770.00
10-9-96	Postmaster Topeka, KS 66601	Postage stamps	52.00
btotal This Page			5,543.17

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

nsas Democratic State Committee

me of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box: Cash Check	Loan	Other	Amount of Cash, Check, Loan or Other Receipt
0/21	Emily's List Non-Federal 4 805 15th St NW Ste 400 Washington, DC 20005		x			5000.00
0/18	Wyoming Democratic Party Box 5044 Cheyenne, WY 82003	State Committee			x	14990.00
/8	Irving Harris 209 E Lake Shore Dr Chicago, IL 60611	CEO Pittway Corporation	x			2750.00
/8	William Harris 6 Longfellow Park Cambridge, MA 02138	Private Investor	x			2750.00
/17	Ironworkers Local #10 PAF 1000 E 10th Kansas City, MO 64106	Ironworkers	x x x			300.00 250.00 500.00
/12 /27	Hensley for Senator 2226 Virginia Topeka, KS 66605	Campaign Committee	x x			1047.50 800.00
/12	The Boeing Company Box 7730 Wichita, KS 67277	Aircraft Manufacturing	x			500.00
/20	Sherman Jones Campaign Fund 3736 Weaver Dr Kansas City, KS 66104	Campaign Committee	x			1500.00
0/8	Harrah's Operating Company, Inc 1023 Cherry Rd Memphis, TN 38117	Casino and hotels	x			5000.00
0/19	Orin Kramer 2050 Center Ave Apt 300 Ft. Lee, NJ 27204	Investor	x			2000.00
	otal This Page					37387.50

35

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

Brad Russell

(Name of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box: Cash Check	Loan	Other	Amount of Cash, Check, Loan or Other Receipt
8/8/17	Democratic National Com Washington DC		✓			1000.
7/25	Sally Harris 10313 Ensley lane Leawood, KS 66206		✓ 2265			100.
5/27	Bob Van Cleave 13327 W 113th St Overland Park KS 66210		✓ 3189			25.
8/27	Brad Russell 14338 S. Blackfoot Rd Olathe KS 66062	Attorney	✓ 1202	✓ 2402		250.
4/27	Charles Russell 8551 David Dr Rogers, AR 72756	Retired	✓ 3137			300.
8/27	KS PAC 715 W. 10th Street Topeka, KS 66612	KS PAC	✓ 1128			1000.
9/19	Ben Kieler 8256 Park Hill Cir Lenexa, KS 66215		✓ 1147			50.
9/19	John Rogers 7525 W 106th #218 Overland Park, KS 66212		✓ 493			50.
9/19	Farm Bureau P.O Box 3500 Manhattan KS 66502	Farm Bureau Political Com.	✓			650.
10/18	Brotherhood of Locomotive Jack Pinnick/Treas 1002 Chestnut Blue Rapids, KS 66411	Brotherhood of Locomotive Eng. and PAC	✓ 587			200.
Subtotal This Page						3625

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

Jim Ward
(Name of Candidate, Party Committee, or Political Committee

Date	Name & Address of Contributor	Occupation of Individual Giving more than $150 or PAC Affil.	Cash	Check	Loan	Other	Amount
08-01-96	Democratic Senatorial Campaign Committee 430 S. Capitol, S.E. Washington, DC 20003	Party		X			1000.00
08-12-96	Kansas Political Action Committee 715 W. 10th Street Topeka, KS 66612	KNEA		X			1000.00
08-15-96	Julia A. Craft 1440 Shefford Wichita, Ks 67212			X			50.00
08-20-96	Richard J. Seaton, Jr. 700 N. Market Wichita, KS 67214			X			25.00
08-19-96	Teamsters Union # 795 4921 Cessna Wichita, KS 67210	Teamsters		X			500.00
08-21-96	Earl or Dorothy Miller Rt. 2, Box 61 Tekamah, NE 68061			X			125.00
08-22-96	Leonard & Gayle Reeser 2107 Tee Time Ct. Wichita, Ks 67212-7306			X			35.00
08-24-96	Rachael K. Pirner 1053 Coolidge Ave. Wichita, KS 67203			X			100.00
08-30-96	Thomas J. Weilert PO Box 1080 Wichita, KS 67201	Attorney		X			250.00
09-05-96	Jeff & Melinda Bannon Jeff Bannon Auction Company 946 N. West St. Wichita, KS 67203			X			50.00
Subtotal this Page:							$3,135.00

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

GARY CHRIST

(Name of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box: Cash	Check	Loan	Other	Amount of Cash, Check, Loan or Other Receipt
8/1/96	GARY CHRIST 6625 COUNTY LINE RD. KANSAS CITY, KS 66106	CANDIDATE			✓		1,000.00
8/2/96	GARY CHRIST 6625 COUNTY LINE RD. KANSAS CITY, KS 66106	CANDIDATE			✓		400.00
8/1/96	LAWRENCE V. CHRIST 8101 E. DALTMOUTH AVE. #27 DENVER, CO 80231	ATTORNEY (BROTHER OF CANDIDATE)		✓			300.00
8/6/96	DEMOCRATIC SENATORIAL CAMP. COMM. 430 SOUTH CAPITAL, S.E. WASHINGTON, DC. 20003	DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE		✓			1,000.00
7/26/96	Political Action Council OF KANSAS 835 SW TOPEKA BLVD TOPEKA, KS 66612-1671	Political Action Council of KANSAS		✓			200.00
8/6/96	TRANSPORTATION Political EDUCATION LEAGUE 14600 DETROIT AVE. CLEVELAND, OHIO 44107	TRANSPORTATION PAC		✓			500.00

Subtotal This Page 3,400.00

Complete if last page of schedule		
	Total Itemized Receipts for Period	3,400.00
	Total Unitemized Contributions ($50 or less)	350.00
	Sale of Political Materials (Unitemized)	None
	Total Contributions When Contributor Not Known	None
	TOTAL RECEIPTS THIS PERIOD (to line 2 of Summary)	3,750.00

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

Tim Keithley
of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box: Cash	Check	Loan	Other	Amount of Cash, Check, Loan or Other Receipt
July 96	Clinton L. Fuller 4949 N. 12th Kansas City, Ks. 66109			✓			25.00
July 96	Charles J. Benkel 22250 W. 47th St Shawnee Mission Ks. 66226			✓			100.00
July 96	Alan & Lou Miller 803 E. Powell St. Springfield, Mo. 65807			✓			50.00
Aug 96	Transportation Pol. Ind Education League 14600 Detroit Ave Cleveland Ohio 44107	PAC		✓			200.00
Aug 96	Democratic Senatorial Camp. Comm 130 South Capitol Washington, D.C. 20003			✓			1000.00
Aug 96	Bonner Springs Federal Credit Union 301 E. Oak St. Box 337 Bonner Springs, Kansas 66012			✓			150.00
Aug 96	Philip Morris Management Corp. 120 Park Avenue New York, N.Y. 10017-5552	PAC		✓			500.00

Subtotal This Page 2025

Complete if last page of schedule		
	Total Itemized Receipts for Period	2690
	Total Unitemized Contributions ($50 or less)	265.13
	Sale of Political Materials (Unitemized)	0
	Total Contributions When Contributor Not Known	
	TOTAL RECEIPTS THIS PERIOD (to line 2 of Summary)	2955.13

OCT-28-96 14:31

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

Christopher Gallaway for State Rep.

ıme of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box				Amount of Cash, Check, Loan or Other Receipt
			Cash	Check	Loan	Other	
26-96	Jack Parsons Council Grove			X			50.00
-26-96	Jerry Mulryan Dwight, KS.			X			50.00
1-05-96	Anna Mae Roubidou Dwight, KS.			X			20.00
1-05-96	Charles Evans Dwight, KS.		X				20.00
1-05-96	Tom Sawyer Wichita, KS.			X			40.00
1 05-96	Calvin Rees Emporia, KS.			X			20.00
1-05 96	Senatorial Campaign Committee			X			500.00
8-14-96	Marita Bolson Council Grove			X			25.00
8-14-96	KNEA			X			300.00
05-96	Peggy Switzer Dwight,KS.			X			10.00
Subtotal This Page							1045.00

OCT-28-96 14:31

SCHEDULE C
EXPENDITURES AND OTHER DISBURSEMENTS

Christopher Callaway for State Rep.

ıme of Candidate, Party Committee or Political Committee)

Date	Name and Address	Purpose of Expenditure or Disbursement	Amount
7-29-96	U.S. Postmaster	postage	2.75
05-96	Secretary of State	voter lists	60.00
8-05-96	Sprint	phone bill	3.89
8-08-96	KS. Coordinated Campaign	Democratic Party	400.00
15-96	Printing Plus	brochures	478.80
8-24-96	Chris Callaway	Voucher	274.14
8 28-96	Dickinson Co. Clerk	copies	12.00
9 01-96	Dorothy Callaway	Watermelons	22.41
9-01-96	Sprint	phone bill	6.62
10-1-96	Christopher Callaway	Voucher	323.42
Subtotal This Page			1259.81

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

Jim D. Garner
of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box: Cash Check	Loan	Other	Amount of Cash, Check, Loan or Other Receipt
6/96	Kansas Assoc. of Realtors 3644 SW Burlingame Rd Topeka Ks 66611	REALTORS PAC	X			$ 250.00
	Democratic Senate Campaign Committee Washington DC	Demo. Party Committee	X			500.00
	MESA PO Box 2009 Amarillo TX 79189	Natural Gas & Petroleum Company	X			100.00
9/1/96	Kansas Trial Lawyers Assoc 700 SW Jackson Ste 716 Topeka Kansas 66603	KTLA PAC	X			250.00
	Boeing Company PO Box 7730 Wichita Ks 67277	Aircraft Manufacturer	X			200.00
	Kansas Politicalitation Com. 715 W. 10th Topeka Ks 66612	KNEA PAC	X			50.00
	Kansas Credit Union Legis Action Comm. 816 SW Tyler Topeka Ks 66612	Credit Union Association PAC	X			150.00
9/18/96	Community Bankers Assn 5605 SW Barrington Ct Topeka Ks 66614	Community Bankers PAC	X			100.00
	Palmer News, Inc PO Box 1402 Topeka Ks 66601	News Magazine Distributor	X			300.00
	Kansas Comm for Rural Electrification PO Box 740 Meade, Ks 67864	Rural Elect. Coops PAC	X			50.00
Subtotal This Page						$1950.00

SCHEDULE C
EXPENDITURES AND OTHER DISBURSEMENTS

Jim D. Garner
(Name of Candidate, Party Committee or Political Committee)

Date	Name and Address	Purpose of Expenditure or Disbursement	Amount
8/6/96	Computer Associates 124 W. 8th Coffeyville Ks 67337	Telefax Service	$13.50
8/8/96	Kansans for a Democratic House P.O. Box 1914 Topeka Ks 66601	Ticket to Roundup fundraiser	250.00
8/14/96	Jim D. Garner 601 East 12 Coffeyville Ks 67337	Reimbursement: Purchase Lap top computer	2092.29
9/14/96	Jim D. Garner 601 East 12 Coffeyville Ks 67337	Reimbursement: Purchase Parade Candy	40.27
Subtotal This Page			2396.06

Complete if last page of Schedule		
	Total Itemized Expenditures This Period	2396.06
	Total Unitemized Expenditures of $50 or less	ø
	TOTAL EXPENDITURES & OTHER DISBURSEMENTS THIS PERIOD (to line 4 of Summary)	2396.06

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

JERRY HENRY
me of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box: Cash	Check	Loan	Other	Amount of Cash, Check, Loan or Other Receipt
1/1/96	DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE 430 So. CAPITOL ST., S.E. WASHINGTON, D.C. 20003	DEMOCRAT PAC		✓			500.00
1/2/96	COMMITTEE FOR RESPONSIBLE GOVERNMENT 214 S.W. 7TH STREET TOPEKA, KS. 66603	KANSAS' WINE & SPIRIT WHOLESALERS		✓			100.00
1/2/96	KANSAS DENTAL POLITICAL ACTION COMMITTEE 5200 HUNTOON TOPEKA, KS. 66604	KANSAS DENTISTS PAC		✓			100.00
1/2/96	PFIZER INC. 9614 HIGH DRIVE LEAWOOD, KS. 66206	PHARMACEUTICAL - HEALTH CARE PROVIDERS		✓			100.00
1/2/96	KS. CONTRACTORS ASSOCIATION P.O. BOX 5061 TOPEKA, KS. 66605	GENERAL CONTRACTORS PAC		✓			100.00
1/17/96	THE KS. REALTORS PAC 3644 BURLINGAME RD. TOPEKA, KS. 66611	KANSAS REALTORS PAC		✓			250.00
1/18/96	KANSAS FARM BUREAU VOTE FBF FUND 2627 KFB PLAZA MANHATTAN, KS. 66502	KANSAS FARM BUREAU AGRICULTURE		✓			100.00
1/23/96	THE BOEING CO. P.O. BOX 7730 #MS K 12-10 WICHITA, KS. 67277-7730	BOEING CO. DEFENSE & SPACE GROUP		✓			200.00
1/1/96	KANSAS SOFT. DRINK ASSOC. 5845 SW 29TH ST. TOPEKA, KS. 66614	SOFT DRINK WHOLESALERS PAC		✓			150.00
1/1/96	KANSAS HEALTH CARE ASSOC. P.O BOX 231 COFFEYVILLE, KS 67337	HEALTH CARE PAC		✓			150.00
ototal This Page							1750.00

SCHEDULE C
EXPENDITURES AND OTHER DISBURSEMENTS

JERRY HENRY
ne of Candidate, Party Committee or Political Committee)

Date	Name and Address	Purpose of Expenditure or Disbursement	Amount
3/9/96	KANSANS FOR A DEMOCRATIC HOUSE P.O. BOX 2083 TOPEKA, KS. 66601	KANSAS HOUSE DEMOCRATIC ROUND-UP MEETING	250.00
1/3/96	JERRY HENRY 3515 NEOSHO ROAD CUMMINGS, KS. 66016	REIMBURSEMENT FOR CAMPAIGN DINNER, CAMPAIGN POSTAGE & PARADE CANDY	106.18
1/7/96	JERRY HENRY 3515 NEOSHO ROAD CUMMINGS, KS. 66016	PURCHASE OF PENS FOR CAMPAIGN ADVERTISING REIMBURSEMENT	412.63
1/18/96	U.S. POSTMASTER	POSTAGE FOR CAMPAIGN ADVERTISING	64.00
otal This Page			832.81

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

Judy Shawalter
(Name of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box: Cash	Check	Loan	Other	Amount of Cash, Check, Loan or Other Receipt
1/7/96	Christopher Smith 1917 Simpson Ave. Winfield Ks 67156			✓			100 00
7/7/96	Democratic Senatorial Campaign Comm. 430 S. Capitol S.E. Washington, DC 20003	Democratic Party		✓			500 00
7/22/96	Mike Bailey PO Box 262 Burdett, Ks 67109			✓			100 00
8/22/96	Kansas Political Action Committee 715 W 10th Topeka, Ks 66612	Teachers union		✓			500 00
8/22/96	Tom Sawyer - personal Ste 327-S, Capitol Bldg. Topeka, Ks 66612-1504			✓			100 00
9/13/96	Mike Morgan Rt 3 Box 177-1 Ark City, Ks 67005			✓			100 00
9/26/96	Kansas Environmental Energy Network PAC 800 SE Quincy Topeka, Ks 66612	utilities - natural gas		✓			500 -
9/26/96	Wichita Area Coge AFL-CIO 417 East English Wichita, Ks 67202			✓			100 -
9/26/96	Kansas Contractor Assc. PAC PO Box 5061 Topeka, Ks 66605			✓			100 -
9/26/96	Political Committee of Kansas Consulting Engineers 700 SW Jackson, Suite 702 Topeka, Ks 66603			✓			100 -
Subtotal This Page							2200 00

SCHEDULE C
EXPENDITURES AND OTHER DISBURSEMENTS

Judy Shawelter
(Name of Candidate, Party Committee or Political Committee)

Date	Name and Address	Purpose of Expenditure or Disbursement	Amount
7/7/96	Winfield Daily Courier 201 E 9th Winfield, Ks 67156	Political ads	432 40
7/7/96	Hutto Printing + Office Supply 209 E 9th Winfield Ks 67156	bumper stickers, round labels + buttons 6.11 from 7/23/96	672 82
7/9/96	Kansas Coordinated Campaign c/o Tom Sawyer 327-S Capitol Bldg Topeka, Ks 66612	payment for services of Democratic campaign coordinator	400 00
9/13/96	Hutto Printing + Office Supply 209 E 9th Winfield, Ks 67156	yard signs	481 85
9/24/96	Winfield Daily Courier 201 E 9th Winfield, Ks 67156	political ads	169 65
10/1/96	Hutto's Printing + office Supply 209 E 9th Winfield, Ks 67156	Candidate info. cards	370 65
10/14/96	Great Scott Communications	Radio Commercials	340 00
10/24/96	Hutto Printing + Office Supply 209 E 9th Winfield, Ks 67156	Candidate info. cards	317 29
Subtotal This Page			3184 62

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

Robert "Bob" Grant
(Name of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box: Cash	Check	Loan	Other	Amount of Cash, Check, Loan or Other Receipt
6/96	Mr. & Mrs. Lennie Westervelt 168 W 510 Ave. Cherokee, KS 66724			X			100.00
5/96	Democratic Senatorial Campaign Committee 430 S. Capitol St SE Washington, D.C. 20003	Democratic party		X			500.00
8/96	KDH P.O. Box 2083 Topeka, KS 66601	Kansans for a Democratic House Demo. party incentive		X			601.00
14/96	KS Political Action Committee 715 W. 10 St. Topeka, KS 66612	KNEA		X			500.00
3/96	Gross receipts from fundraiser						2701.00
27/96	CK County Democrat Central Committee Rt. 2 Box 565 Galena, KS 66739	Democrat party		X			50.00
30/96	Rep. Tom Sawyer 1041 Elizabeth Wichita, KS 67213			X			50.00
11/96	Tom Lapping 2612 Omaha Pittsburg, KS 66762	Retired		X			250.00
14/96	KS Environmental Energy Network 800 SE Quincy	KEEN		X			250.00
16/96	Local 101 6301 Rockhill Rd Kansas City, MO 64131	Hoisting & Portable Eng.		X			200.00
ubtotal This Page							5202.00

SCHEDULE C
EXPENDITURES AND OTHER DISBURSEMENTS

Robert "Bob" Grant
(Name of Candidate, Party Committee or Political Committee)

Date	Name and Address	Purpose of Expenditure or Disbursement	Amount
/31/96	The Parsons Sun 200 S. 18 Parsons, KS 67357	Primary ad	35.52
/1/96	The Girard Press 102 S. Ozark Girard, KS 66743	Primary ad Fundraiser ad	71.50
/1/96	The Morning Sun 701 N. Locust Pittsburg, KS 66762	Primary ad Fundraiser ads	155.65
/2/96	Phil Hooke Co Cherokee, KS 66724	Magnets	180.00
/7/96	The Morning Sun 701 N. Locust Pittsburg, KS 66762	Ad	22.35
3/7/96	The Parsons Sun 200 S. 18 Parsons, KS 67357	Fundraiser ad	35.52
8/9/96	The Columbus Advocate 215 S. Kansas Columbus, KS 66725	Fundraiser ad	27.60
8/12/96	Lee Enterprises 509 S. Cherokee Frontenac, KS 66763	T shirts/hats	335.09
8/13/96	KDH P.O. Box 2083 Topeka, KS 66601	Contribution	400.00
8/15/96	St. Bridget's Church Scammon, KS 66773	Rent for fundraiser	25.00
ubtotal This Page			1288.23

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

Kansas Democratic State Committee
(Name of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box: Cash Check	Loan	Other	Amount of Cash, Check, Loan or Other Receipt
10/10	Association of Trial Lawyers of America 1050 21st St NW Washington DC 20007	Membership Organization		x		15000.00
9/12	Tom Docking for Kansas Committee Wichita, KS 67201	Campaign Committee		x		1020.73
9/27	Christine Downey for State Senate 10320 Wheat State Rd Irman, KS 67546	Campaign Committee		x		150.00
7/28	Norbert Dreiling 3006 Tam O Shanter Dr Hays, KS 67601			x		100.00
9/8	Committee For Responsible Government 700 SW Jackson Ste 803 Topeka, KS 66603			x		500.00
9/20	Feleciano Campaign for the 90's 815 Barbara St Wichita, KS 67217	Campaign Committee		x		800.00
9/16	Findley for State Representative 1741 W 19th St Apt 8A Lawrence, KS 66046	Campaign Committee		x		400.00
9/2 9/20	DNC Services Corporation/Non-Fed 430 S Capitol SE Washington, DC 20003	National Party		x x		6250.00 3125.00
10/16	DNC Non-Federal Labor Account 430 S Capitol SE Washington, DC 20003	National Party		x		2125.00
10/10	United Democrats for Kansas Box 824 Topeka, KS 66601	House Democrats		x		5000.00
Total This Page						34470.73

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

ne of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box: Cash	Check	Loan	Other	Amount of Cash, Check, Loan or Other Receipt
7/29	ROBERT W. KEITH 3 CRESTVIEW RD. WELLINGTON KS. 67152			X			$100.00
8/1	DEMOCRATIC SENATORIAL CAMPAIGN FUND 430 SOUTH CAPITOL, S.E. WASHINGTON, D.C. 20003	PAC DEMOCRATES		X			$500.00
8/3	KANSANS FOR A DEMOCRATIC HOUSE P.O. BOX 2053 TOPEKA, KS. 66601	PAC. DEMOCRATES		X			$931.00
8/12	MICHAEL TOM SAWYER 1041 S. ELIZABETH WICHITA, KS. 67213	ATTORNEY STATE REPRESENTATIVE		X			$250.00
8/12	KANSAS POLITICAL ACTION COMM. 715 WEST 10TH ST. TOPEKA, KS. 66612	PAC. POLITICAL		X			$500.00
8/19	TRANSPORTATION POLITICAL EDUCATION LEAGUE 14000 DETROIT AVENUE CLEVELAND, OH. 44107	PAC UNION POLITICAL ORG. UTU.		X			$500.00
8/30	PAULA OR CHARLIE DURRANT 510 N. DOUGLAS WELLINGTON, KS. 67152			X			$100.00
8/15	BROTHERHOOD OF LOCOMOTIVE ENGINEERS 1370 ONTARIO ST. CLEVELAND, OHIO 44113-1702	PAC BLE UNION RAILROAD		X			$300.00
9/2	DR. J. W. RILEY, SR. 515 N. PLUM APT. 1 WELLINGTON, KS. 67152			X			$100.00
9/2	ROBERT E. BISHOP ADDRESS UNKNOWN WELLINGTON, KS. 67152		X				$100.00
total This Page							

Vince Watten

SCHEDULE C
EXPENDITURES AND OTHER DISBURSEMENTS

(e of Candidate, Party Committee or Political Committee)

Date	Name and Address	Purpose of Expenditure or Disbursement	Amount
8/14	KS. COORDINATED CAMPAIGN DEMOCRATES	EXPENSE TO HANDLE CAMPAIGN FOR KS. DEMOCRATES	$750.00
8/20	SIGNS + DESIGN INC. BOX 49515 WICHITA, KS. 67201-9515	SIGNS	$200.00
8/20	WOOTEN PRINTING P.O. BOX 1218 WICHITA, KS. 67201	WIRE SIGN HOLDERS	$90.25
8/20	WELLINGTON PRINTING CO. 115 WEST HARVEY WELLINGTON, KS. 67152	CAMPAIGN FLYERS	$849.20
8/27	OFFICE DEPOT 4600 WEST KELLOGG WICHITA, KS. 67209	LABELS	$256.97
8/27	SAM SOFTWARE 454 E 137 TH ST. CARBONDALE, KS. 66414-9357	VOTER SOFTWARE	$280.71
8/28	U.S. POSTMASTER 221 WEST HARVEY WELLINGTON, KS. 67152	MAILINGS	$1512.11
9/4	SIGNS + DESIGN INC. BOX 49515 WICHITA, KS. 67201-9515	SIGNS	$264.45
9/4	THOMAS BILLINGS BELLE PLAINE, KS.	MATERIAL FOR SIGNS	$124.86
9/5	CALDWELL MESSENGER P.O. BOX 313 CALDWELL, KS. 67022	ADVERTISING	$84.90
otal This Page			

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

Tom G. Platis

ıme of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box				Amount of Cash, Check, Loan or Other Receipt
			Cash	Check	Loan	Other	
'8-Jul-96	Double Check Co. P.O. Box 300347 Kansas City, MO 64130			X			100.00
:0-Jul-96	Thomas Murphy 1 Townsite Plaza Topeka, KS 66603			X			105.00
)-Aug-96	Democratic Senatorial Campaign Committee 430 S. Capitol S.E. Washington, DC 20003	Current & prospective members of the KS Senate		X			500.00
)-Aug-96	Thomas A. Schwartz 2910 S. Topeka Blvd. Topeka, KS 66611			X			100.00
2-Aug-96	Joseph H. Collison 545 Washington St. Weston, MO 64098			X			100.00
3-Aug-96	Allied Environmental Consultants 10689 N. Kendall Dr, Ste 312 Miami, FL 33176			X			500.00
5-Aug-96	KS Political Action Committee 715 W. 10th St. Topeka, KS 66612	KNEA		X			500.00
6-Aug-96	John Peel 3740 Nottingham Topeka, KS 66610			X			100.00
8-Aug-96	Dean Platis 2945 Winterset Rd. Las Cruces, NM 88005			X			100.00
)-Sep-96	Paul D. McFann 5001 Brickyard Rd Topeka, KS 66618			X			100.00
btotal This Page							2,205.00

SCHEDULE C
EXPENDITURES AND OTHER DISBURSEMENTS

Tom G. Platis

Name of Candidate, Party Committee or Political Committee)

Date	Name and Address	Purpose of Expenditure or Disbursement	Amount
0-Jul-96	U.S. Postal Service 424 S. Kansas Topeka, KS 66603	Bulk mailing	550.73
5-Aug-96	Christopher T. Platis 9900 SW K-4 Hwy Topeka, KS 66614	Reimburse for payment of campaign posters	211.76
5-Aug-96	Shawnee Co. Election Commission 911 SW 37th Topeka, KS 66611	Walking list of registered voters	62.86
0-Aug-96	Kansans for a Democratic House P.O. Box 2083 Topeka, KS 66601	Polling information	250.00
3-Aug-96	Econ-O-Print P.O. Box 4041 Topeka, KS 66604	Return envelopes, letterhead and #10 envelopes	138.00
2-Sep-96	Ritchey Signs 1518 SW Washburn Ave. Topeka, KS 66604	Down payment on campaign signs	300.00
9-Sep-96	Sherwood Gazette 6753 SW Aylesbury Rd. Topeka, KS 66610	Advertising	60.00
7-Sep-96	Shawnee Co. Election Office 911 SW 37th Topeka, KS 66611	Labels	101.70
5-Oct-96	Ritchey Signs 1518 SW Washburn Ave. Topeka, KS 66604	Campaign signs (balance)	384.67
Subtotal This Page			

Complete if last page of Schedule		
	Total Itemized Expenditures This Period	2,059.72
	Total Unitemized Expenditures of $50 or less	64.05
	TOTAL EXPENDITURES & OTHER DISBURSEMENTS THIS PERIOD (to line 4 of Summary)	2,123.77

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

HARRY STEPHENS
.ıe of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box: Cash	Check	Loan	Other	Amount of Cash, Check, Loan or Other Receipt
17-96	MERLE V BOLZ 1708 OLD MANOR RD EMPORIA KS 66801			X			100.00
19-96	ROBERT + LORRIE CATLETT 405 EXCHANGE EMPORIA KS 66801			X			100.00
25-96	GLEN + SUSAN BECKRELL 1510 W 20TH PARK PL EMPORIA KS 66801			X			100.00
3-96	COLUMBIA WESLEY MED CTR 550 N HILLSIDE WICHITA KS 67214			X			100.00
12-96	COMMITTEE FOR RESPONSIBLE GOVERNMENT 214 SW 7TH ST TOPEKA KS 66603	WINE + BEER WHOLESALERS ASSN		X			200.00
0-96	DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE 430 S CAPITOL SE WASHINGTON DC 20003	DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE		X			500.00
8-96 12-96	KANSANS FOR A DEMOCRATIC HOUSE PO BOX 2083 TOPEKA KS 66601	DEMOCRATIC HOUSE CAMPAIGN FUND		X X			1000.00 500.00
03-96	KANSAS CABLE PAC P O BOX 3027 WICHITA KS 67201	KANSAS CABLE PAC		X			150.00
btotal This Page							2750.00

:omplete	Total Itemized Receipts for Period	5600.00
if last	Total Unitemized Contributions ($50 or less)	2185.00
page of	Sale of Political Materials (Unitemized)	
:dule	Total Contributions When Contributor Not Known	
	TOTAL RECEIPTS THIS PERIOD (to line 2 of Summary)	7785.00

SCHEDULE C
EXPENDITURES AND OTHER DISBURSEMENTS

HARRY STEPHENS
...ıe of Candidate, Party Committee or Political Committee)

Date	Name and Address	Purpose of Expenditure or Disbursement	Amount
10-96	LYON COUNTY CLERK 402 COMMERCIAL 66801	MAILING LABELS	13.82
31-96	EMPORIA STATE BANK 801 MERCHANT 66801	SERVICE CHARGE	5.81
1-96	POSTMASTER 66801	POSTAGE	516.86
1-96	CABLEVISION 714 COMMERCIAL 66801	CABLE FOR OFFICE	53.09
1-96	POSTMASTER 66801	STAMPS	64.00
2-96	CHESTER PRESS 2 S COMMERCIAL 66801	PRINTING	175.56
7-96	JASON RALSTON 901 RURAL 66801	OFFICE RENT	234.86
7-96	GRAPHIC SOLUTIONS 3424 SE WALNUT DR TOPEKA KS 66605	DESIGN + PRINTING	644.05
14-96	AT+T MASTERCARD	MAGNETS	127.00
20-96	KS DEMOCRATS COORDINATED CAMPAIGN TOPEKA KS	SERVICES (SUPPORT)	375.00
...ubtotal This Page			2209.55

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

JOE SHRIVER

e of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box: Cash Check	Loan	Other	Amount of Cash, Check, Loan or Other Receipt
7/30/96	RICHARD ACCK PO Box 618 ARK CITY KS	KS SENATOR		X		100.00
7/26/96	MEREDITH DOCKING PO Box 928 ARK CITY KS	BANKING		X		250.00
7/26/96	WILLIAM DOCKING RR3 ARK CITY KS	BANKING		X		200.00
7/31/96	JAY WARREN PO Box 962 ARK CITY KS	OIL & GAS		X		100.00
3/6/96	DEMOCRATS OF THE U.S. SENATE WASHINGTON D.C.	DEMOCRATS OF U.S. SENATE		X		500.00
8/6/96	BILL HILL Summit Acres ARK CITY KS			X		50.00
8/6/96	TOM SAWYER WICHITA KS			X		50.00
8/12/96	KS POLITICAL ACTION Comm. 715 W. 10TH TOPEKA KS	KPAC		X		500.00
8/15/96	JERAY NEFLIN 203 S. Summit ARK CITY KS			X		50.00
8/26/96	GARY WELCH PO Box 2287 GROVE OK			X		50.00
Subtotal This Page						1850.00

SCHEDULE C
EXPENDITURES AND OTHER DISBURSEMENTS

JOE SHAIVER

(Name of Candidate, Party Committee or Political Committee)

Date	Name and Address	Purpose of Expenditure or Disbursement	Amount
10/2/96	REX PLOTEMAN PHOTOGRAPHY WINFIELD KS	CAMPAIGN PHOTO	191.68
10/4/96	PRAIRIE PRINTING WICHITA KS	YARD SIGNS	254.16
10/16/96	SOUTHWESTERN BELL	PHONE LINE DEPOSIT	60.00
10/16/96	SOUTHWESTERN BELL	PHONE LINE ADVANCE PYMT	65.00
10/16/96	KS FOR A DEMOCRATIC HOUSE	PARTY CONTRIBUTION	250.00
10/16/96	POSTMASTER ARK CITY	POSTAGE	1254.00
10/17/96	POSTMASTER ARK CITY	POSTAGE	302.63
10/17/96	SOUTHWESTEAN BELL	SEPT. PHONE	70.15
10/18/96	POSTMASTER ARK CITY	POSTAGE	32.00
Subtotal This Page			2479.62

Complete if last page of Schedule		
	Total Itemized Expenditures This Period	
	Total Unitemized Expenditures of $50 or less	
	TOTAL EXPENDITURES & OTHER DISBURSEMENTS THIS PERIOD (to line 4 of Summary)	

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

nsas Democratic State Committee

me of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box				Amount of Cash, Check, Loan or Other Receipt
			Cash	Check	Loan	Other	
/10	Cowley County Democrats 917 Main Winfield, KS 67156	County Party		x			4750.00
2	Kansas Pipeline Operating Company 8325 Lenexa Dr Ste 400 Shawnee Mission, KS 66214	Pipeline Company		x			5000.00
/15	Sedgwick County Democrats Box 1736 Wichita, 67201	County Party		x			4250.00
/10	Osage County Democrats 213 Chase Burlingame, KS 66413	County Party		x			4750.00
17	Idaho Democratic Party Box 445 Boise, ID 83701	State Party		x			15000.00
/18	South Carolina Democratic Party Box 5965 Columbia, SC 29250	State Party		x			15000.00
/21	J.M. Limited 1011 E 13th St Wichita, KS 67214	Architects		x			2000.00
/21	Sedgwick County Federated Women's Democratic Club Wichita, KS 67202	Women's Organization		x			200.00
12	Tino Monaldo, Chartered Box 728 Hutchinson, KS 67504	Attorney		x			1000.00
/7	Reno County Democrats Hutchinson, KS 67501	County Party		x			4500.00
tal This Page							56450.00

302

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

ansas Democratic State Committee
ame of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box				Amount of Cash, Check, Loan or Other Receipt
			Cash	Check	Loan	Other	
)/15	Kramer International, Inc. Box 04576 Milwaukee, WI 53204	Foundry		x			1000.00
/20	Western Landscape, Inc. Box 128 St. Paul, KS 66771	Construction		x			500.00
)/4	Colorado Democratic Party 770 Grant St Ste 200 Denver, CO 80203	State Party				x	14990.00
)/7)/10	Shawnee County Democratic Party Box 1436 Topeka, KS 66601	County Party		x x			4500.00 3500.00
)/7	Georgia Democratic Party 1100 Spring St Ste 420 Atlanta, GA 30309	State Party		x		x	15000.00
)/10	Marshall County Democrats Marysville, KS 66508	County Party		x			4750.00
)/16	Louisiana Democratic Party Box 4385 Baton Rouge, LA 70821	State Party		x			15000.00
/27	Florida Democratic Party 214 S Bronough Tallagassee, FL 32301	State Party				x	15000.00
/30	Nebraska Democratic Party 715 S 14th Lincoln, NE 68508	State Party				x	14990.00
/4	Sheet Metal Workers Local #2 LAC 2902 Blue Ridge Blvd Kansas City, MO 64129	Sheet Metal Workers		x			250.00
otal This Page							89480.00

79A

FLORIDA DEMOCRATIC PARTY

P. O. Box 1758
TALLAHASSEE, FL 32302
904 222-3411
FAX 904 222-0916

Terrie Brady
Chair
Jon Ausman
Vice Chair
Juanita Geathers
Secretary
George Comerford
Treasurer
Mitchell Berger
Finance Chair
Scott Palmien
Executive Director

National Committee
Members
Jon Ausman
Russell Barakat
Terrie Brady
Myrtle Smith Carroll
Jim Cobb
Carol Cycmanick
Nancy Dick
Simon Ferro
Diane Glasser
Jorge Perez
Alzo Reddick
Nadine Smith

Congressional District
Chairs & Vice Chairs
1st Burton Schuler
Elena Roser
2nd Lou Peel
Jay Adams
3rd Preston Drummer
Joyce Cusack
4th Mary Dill
Harry Hailey
5th Richard Trachsel
Eloise Stevens
6th Kay Perkins
Frank Amatea
7th T. Wayne Bailey
Cay Westerfield
8th Ken Cooper
Bobbie Gant
9th John Sabin
Eloise Stevens
10th Myrtle Smith Carroll
John Sabin
11th Roy Wearmerford
Carmen Sanchez
12th Nancy Dick
13th Trudy Pratt
Sam Herron
14th Ginger Koch
Red Lackey
15th Charles Kinker
16th Katherine Kelly
17th Cynthia Hall
Bill Mauk
18th Bill Mauk
Cynthia Hall
19th George Comerford
Diane Glasser
20th Diane Glasser
Lou Hernandez
21st Cynthia Hall
Bill Mauk
22nd Charles "Chic" Perez
Katherine Kelly
23rd Charles "Chic" Perez
Marianne Sterle

September 27, 1996

Ms. Kris Daniels
Peoples First Financial Savings & Loan
P. O. Box 2950
Panama City, Florida 32402

Dear Kris:

This is to request that a wire transfer of $15,000 be made today from the following account:

Transfer $15,000 from Account Number 256580

The transfer should be sent to the following bank:

Central National Bank
800 S. E. Quincy
Tapeka, KA 66612

WIRE INFORMATION ABA 101101293

The funds are to be credited to the Kansas Democratic Party Account Number 120109843

Thank you for your assistance.

Sincerely,

Sylnovia E. Holt

Sylnovia E. Holt
Accountant

PEOPLES FIRST COMMUNITY BANK
P.O. BOX 2950
PANAMA CITY, FL:32402-2950

12155R 1 R
60 73 73

STATEMENT DATE 09/30/96
ACCOUNT NUMBER [redacted]

---- OTHER DEBITS ----

RETURNED CHECK	100.00	09/20
RETURNED DEPOSITED CHECK FEE	5.00	09/20
STOP PAYMENT CHARGE	.00	09/26
OTHER WITHDRAWAL	18,393.00	09/27
OUTGOING WIRE TRANSFER	24,218.24	09/27
OUTGOING WIRE TRANSFER	38,458.00	09/27
OUTGOING WIRE TRANSFER	15,000.00	09/27
SERVICE CHARGE	10.00	09/30

---- CREDITS ----

DEPOSIT BY CHECK	5,000.00	09/10
DEPOSIT BY CHECK	39,679.98	09/10
DEPOSIT BY CHECK	78,300.00	09/10
DEPOSIT BY CHECK	76,124.06	09/10
DEPOSIT BY CHECK	17,022.32	09/11
INCOMING WIRE TRANSFER	25,001.00	09/11
DEPOSIT BY CHECK	11,820.00	09/12
DEPOSIT BY CHECK	50,004.51	09/13
DEPOSIT BY CHECK	1,100.00	09/13
INCOMING WIRE TRANSFER	8,553.00	09/13
DEPOSIT BY CHECK	71,726.20	09/16
DEPOSIT BY CHECK	3,549.04	09/17
DEPOSIT BY CHECK	69,597.67	09/17
DEPOSIT BY CHECK	2,500.00	09/18
INCOMING WIRE TRANSFER	17,430.00	09/18
DEPOSIT BY CHECK	45,248.85	09/19
REVERSAL-RETURNED DEPOSITED CHECK FEE	5.00	09/19
INTEREST DEPOSIT (8/25/96 THRU 9/21/96)	2,084.71	09/21
DEPOSIT BY CHECK	852.32	09/24
DEPOSIT BY CHECK	84,450.00	09/24
INCOMING WIRE TRANSFER	40,000.00	09/26

---- ACCOUNT BALANCES BY DAY ----

1094,090.24	09/03	1109,797.97	09/12	1056,400.73	09/21
1071,541.16	09/04	1149,630.49	09/13	1011,778.47	09/23
1044,925.89	09/05	1138,684.85	09/16	1088,144.98	09/24
1002,606.89	09/06	1080,637.27	09/17	1040,816.29	09/25
958,106.89	09/09	1047,160.96	09/18	1075,784.37	09/26
1135,548.93	09/10	1087,409.66	09/19	977,762.63	09/27
1142,314.29	09/11	1054,316.02	09/20	954,204.31	09/30

IF YOU HAVE QUESTIONS REGARDING THIS STATEMENT, PLEASE CALL
BOOKKEEPING AT 904-769-5261 OR 1-800-648-4633. THANK YOU.

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

ansas Democratic State Committee
ame of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box				Amount of Cash, Check, Loan or Other Receipt
			Cash	Check	Loan	Other	
)/15	Kramer International, Inc. Box 04576 Milwaukee, WI 53204	Foundry		x			1000.00
'20	Western Landscape, Inc. Box 128 St. Paul, KS 66771	Construction		x			500.00
)/4	Colorado Democratic Party 770 Grant St Ste 200 Denver, CO 80203	State Party				x	14990.00
)/7)/10	Shawnee County Democratic Party Box 1436 Topeka, KS 66601	County Party		x x			4500.00 3500.00
)/7	Georgia Democratic Party 1100 Spring St Ste 420 Atlanta, GA 30309	State Party		x		x	15000.00
)/10	Marshall County Democrats Marysville, KS 66508	County Party		x			4750.00
)/16	Louisiana Democratic Party Box 4385 Baton Rouge, LA 70821	State Party		x			15000.00
'27	Florida Democratic Party 214 S Bronough Tallagassee, FL 32301	State Party				x	15000.00
'30	Nebraska Democratic Party 715 S 14th Lincoln, NE 68508	State Party				x	14990.00
4	Sheet Metal Workers Local #2 LAC 2902 Blue Ridge Blvd Kansas City, MO 64129	Sheet Metal Workers		x			250.00
otal This Page							89480.00

79F

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

Kansas Democratic State Committee

ame of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box				Amount of Cash, Check, Loan or Other Receipt
			Cash	Check	Loan	Other	
8/20	Gallaway for State Representative Box 21 Dwight, KS 66849	Campaign Committee		x			400.00
)/3	Arkansas Democratic Party 1300 W Capitol Little Rock, AR 72201	State Party		x			15000.00
)/16	Geary County Democrats Junction City, KS 66441	County Party		x			250.00
)/10	Kansas Political Action Committee 715 W 10th Topeka, KS 66612	Educators		x			1750.00
'27	Harvey County Democrats Box 852 Newton, KS 67114	County Committee		x x			110.00 4500.00
'20 '24 '27)/2	Senate Victory Fund Box 1811 Topeka, KS 66601	Recognized Party Committee		x x x x			5000.00 5000.00 1893.72 1000.00
)/7)/15)/18	Senate Victory Fund Box 1811 Topeka, KS 66601	Recognized Party Committee (For Services)		x x x			-ervices 9866.40 Services 8100.00 3033.16
)/2	Democratic Senatorial Campaign Committee Box 1811 Topeka, KS 66601	Senate Democrats		x			800.00
)/10	Riley County Democrats Manhattan, KS 66502	County Party		x			4500.00
'14	Michael Griesser 12700 Park Central Dr Ste 455 Dallas, TX 75251	Attorney		x			250.00

otal This Page 61453.28

30C

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

nsas Democratic State Committee
me of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box: Cash Check	Loan	Other	Amount of Cash, Check, Loan or Other Receipt
/4	Maine Democratic Party 12 Spruce St Augusta, ME 04332	State Party			x	15000.00
/15	Leavenworth County Democrats Leavenworth, KS 66048	County Party	x			4500.00
/18	Lawrence O'Brien 1350 Eye St Apt 690 Washington, DC 20005	Attorney	x			1000.00
1	W.W. O'Bryan & Co., Inc. Box 100 Hepler, KS 66746		x			100.00
'15	Owen for District Attorney 320 Stockade Lawrence, KS 66049	Campaign Committee	x			50.00
	P.A.C.E. Engineering, Inc. 15 E 5th St Ste 1921 Tulsa, OK 74103	Engineering Firm	x			1500.00
7	Parrish Management Corporation 700 SW Jackson Ste 200 Topeka, KS 66603	Property Management	x			250.00
7	First Rule Properties Box 5318 Topeka, KS 66605	Real Estate Development	x			500.00
7	Eighth & Jackson Investment Group Box 5318 Topeka, KS 66605	Real Estate Development	x			250.00
7	DL Leasing Box 5319 Topeka, KS 66605	Leasing	x			250.00
tal This Page						23400.00

Please type or print clearly in ink

Schedule A

Page ___ of ___
(Schedule A only)

CONTRIBUTIONS TO THE COMMITTEE

Include cash contributions only. Do not include [illegible] contributions on this schedule. Contributions from one individual aggregating more than $200 must be itemized.

Date received	Contributor's name, address, zip code	Occupation, place of business	Amount
10-2-96	Democratic Senatorial Campaign Committee 430 South Capitol St, SE Washington, DC 20003		15000.00
10-7-96	Seafood Atlantic Co. 12 Brookside Drive Falmouth, ME 04105		1000.00
10-7-96	NTEU - Fever Federal Employees Voter Education + Registration 901 E St NW Suite 600 Washington DC 20004		5000.00
10-9-96	House Legislative Campaign Fund PO Box 2021 Augusta, ME 04330		3175.00
10-11-96	Senate Leadership for the '90s 14 Smith St Augusta, ME 04330		600.00
10-11-96	Democratic Legislative Majority 126 Western Ave Augusta, ME 04330		300.00
10-11-96	Assoc. of Trial Lawyers 1050 31st St. NW Washington DC 20007		5000.00
10-11-96	Assoc. of Trial Lawyers 1050 31st St NW Washington, DC 20007		7500.00
10-11-96	Assoc. of Trial Lawyers 1050 31st NW Washington DC 20007		7500.00
10-11-96	AFGE - SPAN 50 F Street, NW Washington, DC 20001		1000.00

1. Total contributions this page only ..... [illegible]

Last page only Schedule A.

2. Total from attached pages (Schedule A) ..... [illegible]

3. Aggregate, contributions of $200 or less not itemized ..... [illegible]

4. [illegible] period [illegible]
(Enter on page 2, [illegible])

THE MAINE DEMOCRATIC PARTY
P.O. BOX 5256
AUGUSTA, MAINE 04332-5256
(207) 622-6233
FAX (207) 622-2657

DEMOCRATS FOR MAINE

November 4, 1996
Fax - (207) 287-4775

Marilyn Canavan
Commission on Governmental Ethics
State House Station #135
Augusta, ME 04333

Dear Marilyn:

Enclosed please an amendment to our October Report. The committee mistakenly did not report a contribution to the Kansas Democratic Party. The disbursement was made from an account that is normally inactive. In fact, this was the only disbursement from the account this year. We apologize for the oversight.

Sincerely,

Kevin J. Mattson

Kevin J. Mattson
Executive Director

Paid for and authorized by the Maine Democratic State Committee.

Schedule B

Page ___ of ___
(Schedule B only)

EXPENDITURES

CONTRIBUTIONS TO CANDIDATES, COMMITTEES

Do not include loan repayments or in-kind expenditures on this schedule.

Date of payment	Candidate/committee's name	Candidate/committee's address, zip code	Office sought, district #	Amount
10/4/96	Kansas Democratic Party	PO Box 1914 Topeka, KS 66609		15,000.00

1. Expenditures this page only 15,000.00

Last page only Schedule B:

2. Total from attached pages (Schedule B) .....

3. Total contributions to candidates/committees .....
(Enter on page 2, line 6.)

CGEEP Form F-3

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

ansas Democratic State Committee
ame of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box: Cash Check	Loan	Other	Amount of Cash, Check, Loan or Other Receipt
)/15	Kramer International, Inc. Box 04576 Milwaukee, WI 53204	Foundry		x		1000.00
/20	Western Landscape, Inc. Box 128 St. Paul, KS 66771	Construction		x		500.00
)/4	Colorado Democratic Party 770 Grant St Ste 200 Denver, CO 80203	State Party			x	14990.00
)/7)/10	Shawnee County Democratic Party Box 1436 Topeka, KS 66601	County Party		x x		4500.00 3500.00
)/7	Georgia Democratic Party 1100 Spring St Ste 420 Atlanta, GA 30309	State Party		x		15000.00
)/10	Marshall County Democrats Marysville, KS 66508	County Party		x		4750.00
)/16	Louisiana Democratic Party Box 4385 Baton Rouge, LA 70821	State Party		x		15000.00
/27	Florida Democratic Party 214 S Bronough Tallagassee, FL 32301	State Party			x	15000.00
/30	Nebraska Democratic Party 715 S 14th Lincoln, NE 68508	State Party			x	14990.00
/4	Sheet Metal Workers Local #2 IAC 2902 Blue Ridge Blvd Kansas City, MO 64129	Sheet Metal Workers		x		250.00
otal This Page						89480.00

79F



ZELL MILLER
Governor

JOHN A. BLACKMON
Chairman

STEVE ANTHONY
Executive Director

4 OCTOBER 1996

NATIONSBANK OF GEORGIA
1280 WEST PACES FERRY RD
ATLANTA, GA 30327

RE: WIRE TRANSFER

DEAR STACY GOSSETT,

THIS LETTER IS TO AUTHORIZE MR HUBERT PRESCOD TO EXECUTE A WIRE TRANSFER ON BEHALF OF THE DEMOCRATIC PARTY OF GEORGIA AS FOLLOWS :

ACCOUNT TO CHARGE : [redacted]

AMOUNT TO TRANSFER : $ 15,000.00

TRANSFER FUND TO :
BANK NAME: CENTRAL NATIONAL BANK

ACCOUNT NAME : KANSAS DEMOCRATIC PARTY
ATTN: DENNIS LANGLEY

ACCOUNT # [redacted]

ABA ROUTING # [redacted]

THANK YOU FOR YOUR COOPERATION.

YOURS TRULY,

STEVE ANTHONY

G 000014

1100 Spring Street, Suite 710 • Atlanta, Georgia 30309
(404) 874-1996 • (800) 894-1996 • Fax (404) 873-4396
E-Mail: gaparty@mindspring.com • Web Site: http://www.mindspring.com/~gaparty

PAID FOR BY THE DEMOCRATIC PARTY OF GEORGIA

:ailed Report of Records: March 24, 1998 Page: 1

Records: 1

name

Address Work Address Mail Address

:sas Democratic Pa,

:sas Democratic Party Salutation:

.box 1314
:ka, KS 66601
Phone: Work Phone: Fax Phone: Alt. Phone:
il.: Sex: Employer: Occupation:
gin:

:bursement Information

:e	Amount	Kind	Item #	Acct.	Chk.	Purpose
24/98	$15000.00	Operating Expenditure	S1001		0.00	CONTRIBUTION

al: $15000.00
nce: $-15000.00

G 000013

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

nsas Democratic State Committee
ıme of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box				Amount of Cash, Check, Loan or Other Receipt
			Cash	Check	Loan	Other	
)/15	Kramer International, Inc. Box 04576 Milwaukee, WI 53204	Foundry		x			1000.00
'20	Western Landscape, Inc. Box 128 St. Paul, KS 66771	Construction		x			500.00
)/4	Colorado Democratic Party 770 Grant St Ste 200 Denver, CO 80203	State Party				x	14990.00
)/7)/10	Shawnee County Democratic Party Box 1436 Topeka, KS 66601	County Party		x x			4500.00 3500.00
)/7	Georgia Democratic Party 1100 Spring St Ste 420 Atlanta, GA 30309	State Party				x	15000.00
)/10	Marshall County Democrats Marysville, KS 66508	County Party		x			4750.00
)/16	Louisiana Democratic Party Box 4385 Baton Rouge, LA 70821	State Party		x			15000.00
'27	Florida Democratic Party 214 S Bronough Tallagassee, FL 32301	State Party				x	15000.00
30	Nebraska Democratic Party 715 S 14th Lincoln, NE 68508	State Party				x	14990.00
4	Sheet Metal Workers Local #2 LAC 2902 Blue Ridge Blvd Kansas City, MO 64129	Sheet Metal Workers		x			250.00
)tal This Page							89480.00

7AF

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

ansas Democratic State Committee
ame of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box				Amount of Cash, Check, Loan or Other Receipt
			Cash	Check	Loan	Other	
)/15	Kramer International, Inc. Box 04576 Milwaukee, WI 53204	Foundry		x			1000.00
/20	Western Landscape, Inc. Box 128 St. Paul, KS 66771	Construction		x			500.00
)/4	Colorado Democratic Party 770 Grant St Ste 200 Denver, CO 80203	State Party				x	14990.00
)/7)/10	Shawnee County Democratic Party Box 1436 Topeka, KS 66601	County Party		x x			4500.00 3500.00
)/7	Georgia Democratic Party 1100 Spring St Ste 420 Atlanta, GA 30309	State Party		x		x	15000.00
)/10	Marshall County Democrats Marysville, KS 66508	County Party		x			4750.00
)/16	Louisiana Democratic Party Box 4385 Baton Rouge, LA 70821	State Party		x			15000.00
/27	Florida Democratic Party 214 S Bronough Tallagassee, FL 32301	State Party				x	15000.00
/30	Nebraska Democratic Party 715 S 14th Lincoln, NE 68508	State Party				x	14990.00
/4	Sheet Metal Workers Local #2 LAC 2902 Blue Ridge Blvd Kansas City, MO 64129	Sheet Metal Workers		x			250.00
otal This Page							89480.00

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SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

ansas Democratic State Committee

me of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box				Amount of Cash, Check, Loan or Other Receipt
			Cash	Check	Loan	Other	
/27	Mid-America Ag. System, Inc. 642 Idlewilde St Salina, KS 67401	Radio		x			2000.00
/16	Elect Chris Steineger 51 S 64th Kansas City, KS 66111	Campaign Committee		x			800.00
)/8	David Steiner Llewellen Park Orange, NJ 07052	Attorney		x			5000.00
)/21	Kansas AFL-CIO COPE Fund 2131 SW 36th Topeka, KS 66611	Labor		x			2500.00
/10	Douglas County Democrats Box 63 Lawrence, KS 66044	County Party		x			4500.00
21	Democratic Luncheon Club 700 SW Jackson Topeka, KS 66603	Affiliated Organization		x			100.00
/16	Alabama Democratic Party 290 21st St, N Ste 405 Birmingham, AL 35203	State Party				x	14990.00
/15	Plumbers Local Union 8 PAC 8600 Hillcrest Ste 2 Kansas City, MO 64136	Plumbers		x			1000.0.
17	Total Concept Graphics 4407 Cloudburst Rd Hickory Hill, TN 38141	Printing Brokerage Firm		x			10000.00
17	Williamson Oil Co., Inc. Box 807 Fort Payne, AL 35967	Oil		x			15000.00
otal This Page							55890.00

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

ansas Democratic State Committee

me of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box				Amount of Cash, Check, Loan or Other Receipt
			Cash	Check	Loan	Other	
)/21	Emily's List Non-Federal 4 805 15th St NW Ste 400 Washington, DC 20005			x			5000.00
)/18	Wyoming Democratic Party Box 5044 Cheyenne, WY 82003	State Committee				x	14990.00
'8	Irving Harris 209 E Lake Shore Dr Chicago, IL 60611	CEO Pittway Corporation		x			2750.00
'8	William Harris 6 Longfellow Park Cambridge, MA 02138	Private Investor		x			2750.00
'17 '4	Ironworkers Local #10 PAF 1000 E 10th Kansas City, MO 64106	Ironworkers		x x x			300.00 250.00 500.00
'12 '27	Hensley for Senator 2226 Virginia Topeka, KS 66605	Campaign Committee		x x			1047.50 800.00
'12	The Boeing Company Box 7730 Wichita, KS 67277	Aircraft Manufacturing		x			500.00
'20	Sherman Jones Campaign Fund 3736 Weaver Dr Kansas City, KS 66104	Campaign Committee		x			1500.00
)/8	Harrah's Operating Company, Inc 1023 Cherry Rd Memphis, TN 38117	Casino and hotels		x			5000.00
)/19	Orin Kramer 2050 Center Ave Apt 300 Ft. Lee, NJ 27204	Investor		x			2000.00
Total This Page							37387.50

35

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

sas Democratic State Committee

me of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box				Amount of Cash, Check, Loan or Other Receipt
			Cash	Check	Loan	Other	
/10	Cowley County Democrats 917 Main Winfield, KS 67156	County Party		x			4750.00
?	Kansas Pipeline Operating Company 8325 Lenexa Dr Ste 400 Shawnee Mission, KS 66214	Pipeline Company		x			5000.00
/15	Sedgwick County Democrats Box 1736 Wichita, 67201	County Party		x			4250.00
/10	Osage County Democrats 213 Chase Burlingame, KS 66413	County Party		x			4750.00
17	Idaho Democratic Party Box 445 Boise, ID 83701	State Party		x			15000.00
/18	South Carolina Democratic Party Box 5965 Columbia, SC 29250	State Party		x			15000.00
/21	J.M. Limited 1011 E 13th St Wichita, KS 67214	Architects		x			2000.00
/21	Sedgwick County Federated Women's Democratic Club Wichita, KS 67202	Women's Organization		x			200.00
12	Tino Monaldo, Chartered Box 728 Hutchinson, KS 67504	Attorney		x			1000.00
/7	Reno County Democrats Hutchinson, KS 67501	County Party		x			4500.00
otal This Page							56450.00

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

Kansas Democratic State Committee
(Name of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box				Amount of Cash, Check, Loan or Other Receipt
			Cash	Check	Loan	Other	
10/21	New Hampshire Democratic Party 150 N Main Concord, NH 03301	State Party				x	15000.00
10/18	California Democratic Party 8440 Santa Monica Blvd Los Angeles, CA 90069	State Party				x	14990.00
10/18	South Dakota Democratic Party Box 737 Sioux Falls, SD 57101	State Party				x	15000.00
10/23	The Committee For Marge Petty 104 NW Greenwood Ave Topeka, KS 66606	Campaign		x			5500.00
10/23	Chong-Moon Lee 1245 Oak Pkwy Sunnyvale, CA 94086	Chair - American Technologies		x			15000.00
10/23	Kansans for a Democratic House Box 2083 Topeka, KS 66601	Recoginized Party Committee		x			5000.00
10/23	Bill Koch 1601 Forum Pl West Palm Beach, FL 33401	Executive		x			15000.00

Subtotal This Page 85490.00

Complete if last page of schedule		
	Total Itemized Receipts for Period	584637.15
	Total Unitemized Contributions ($50 or less)	5114.96
	Sale of Political Materials (Unitemized)	
	Total Contributions When Contributor Not Known	
	TOTAL RECEIPTS THIS PERIOD (to line 2 of Summary)	589752.11

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

Kansas Democratic State Committee
(Name of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box				Amount of Cash, Check, Loan or Other Receipt
			Cash	Check	Loan	Other	
10/21	New Hampshire Democratic Party 150 N Main Concord, NH 03301	State Party				x	15000.00
10/18	California Democratic Party 8440 Santa Monica Blvd Los Angeles, CA 90069	State Party				x	14990.00
10/18	South Dakota Democratic Party Box 737 Sioux Falls, SD 57101	State Party				x	15000.00
10/23	The Committee For Marge Petty 104 NW Greenwood Ave Topeka, KS 66606	Campaign		x			5500.00
10/23	Chong-Moon Lee 1245 Oak Pkwy Sunnyvale, CA 94086	Chair - American Technologies		x			15000.00
10/23	Kansans for a Democratic House Box 2083 Topeka, KS 66601	Recoginized Party Committee		x			5000.00
10/23	Bill Koch 1601 Forum Pl West Palm Beach, FL 33401	Executive		x			15000.00

Subtotal This Page 85490.00

Complete if last page of schedule		
	Total Itemized Receipts for Period	584637.15
	Total Unitemized Contributions ($50 or less)	5114.96
	Sale of Political Materials (Unitemized)	
	Total Contributions When Contributor Not Known	
	TOTAL RECEIPTS THIS PERIOD (to line 2 of Summary)	589752.11

3CP

02/04/98

New Hampshire Democratic Party

Transaction Detail by Date

January through December 1996

Type	Date	Num	Name	Memo	Account	Clr	Split	Amount	Balance
Deposit	10/10/96		Deposit	Mark Murnane	Individual Contributions		Coop. Federal	(350)	14,200
Deposit	10/10/96		Deposit	Tally Nelson	Individual Contributions		Coop. Federal	(500)	13,700
Deposit	10/10/96		Deposit	Daniel V. O'Connor	Individual Contributions		Coop. Federal	(750)	12,950
Deposit	10/10/96		Deposit	Scott Rudis	Individual Contributions		Coop. Federal	(750)	12,200
Deposit	10/10/96		Deposit	Stephen S. Phelan	Individual Contributions		Coop. Federal	(1,000)	11,200
Deposit	10/10/96		Deposit	Gail D. Murphy	Individual Contributions		Coop. Federal	(2,000)	9,200
Deposit	10/10/96		Deposit	Michael Rathsack	Individual Contributions		Coop. Federal	(500)	8,700
Deposit	10/10/96		Deposit	James McPike	Individual Contributions		Coop. Federal	(500)	8,200
Deposit	10/10/96		Deposit	David DeJong	Individual Contributions		Coop. Federal	(3,000)	5,200
Deposit	10/10/96		Deposit	Gwen DeJong	Individual Contributions		Coop. Federal	(3,000)	2,200
Deposit	10/10/96		Deposit	Paul Pesche	Individual Contributions		Coop. Federal	(300)	1,900
Deposit	10/10/96		Deposit	Martin Lucas	Individual Contributions		Coop. Federal	(400)	1,500
Deposit	10/10/96		Deposit	Marc Taxman	Individual Contributions		Coop. Federal	(750)	750
Deposit	10/10/96		Deposit	David Comeau	Individual Contributions		Coop. Federal	(750)	0
Check	10/10/96		Citizens Bank	wire xfer fee	Coord. non-Fed.	X	Bank Chrg	(8)	(8)
Check	10/10/96		Citizens Bank	wire xfer fee	Bank Chrg		Coord. non-Fed.	8	0
Check	10/11/96	3158	Response Marketing	#98105 (Swett)	Coop. Federal	X	Printing	(7,913)	(7,913)
Check	10/11/96	3158	Response Marketing	Signs Swett Senat...	Printing		Coop. Federal	7,913	0
Check	10/11/96	3159	Response Marketing	#98130 (Swett)	Coop. Federal	X	Printing	(513)	(513)
Check	10/11/96	3159	Response Marketing	Labels "Swett for ...	Printing		Coop. Federal	513	0
Check	10/11/96	3160	Keefe for Congress	contribution	Coop. Federal	X	Contrib To	(5,000)	(5,000)
Check	10/11/96	3160	Keefe for Congress	contribution	Contrib To		Coop. Federal	5,000	0
Deposit	10/11/96		Deposit	individuals	Coop. Federal	X	-SPLIT-	1,015	1,015
Deposit	10/11/96		Deposit	Martha Fuller Clark	Individual Contributions		Coop. Federal	(1,000)	15
Deposit	10/11/96		Deposit	Jennifer Evison	Individual Contributions		Coop. Federal	(10)	5
Deposit	10/11/96		Deposit	Christopher Butler...	Individual Contributions		Coop. Federal	(5)	0
Deposit	10/11/96		Deposit	individuals	Coop. Federal	X	-SPLIT-	192	192
Deposit	10/11/96		Deposit	Jane P. Leonard	Individual Contributions		Coop. Federal	(2)	190
Deposit	10/11/96		Deposit	Jennifer L. Shoer	Individual Contributions		Coop. Federal	(50)	140
Deposit	10/11/96		Deposit	Phyllis M. Dowd	Individual Contributions		Coop. Federal	(10)	130
Deposit	10/11/96		Deposit	Alice MacKinnon	Individual Contributions		Coop. Federal	(100)	30
Deposit	10/11/96		Deposit	Grenier	Individual Contributions		Coop. Federal	(30)	0
Deposit	10/11/96		Deposit	individuals	Coop. Federal	X	-SPLIT-	15,500	15,500
Deposit	10/11/96		Deposit	Kenneth Lumb	Individual Contributions		Coop. Federal	(200)	15,300
Deposit	10/11/96		Deposit	John A. Bohne	Individual Contributions		Coop. Federal	(5,000)	10,300
Deposit	10/11/96		Deposit	James McHugh	Individual Contributions		Coop. Federal	(5,000)	5,300
Deposit	10/11/96		Deposit	John B. Cuff	Individual Contributions		Coop. Federal	(300)	5,000
Deposit	10/11/96		Deposit	Thomas Ventulett	Individual Contributions		Coop. Federal	(5,000)	0
Deposit	10/11/96		Deposit	unitemized	Coop. Federal	X	Individual Contribut...	15	15
Deposit	10/11/96		Deposit	unitemized	Individual Contributions		Coop. Federal	(15)	0
Check	10/12/96	3161	Sullivan County Democrats	contribution	Coop. Federal	X	Rent	(500)	(500)
Check	10/12/96	3161	Sullivan County Democrats	Sullivan County R...	Rent		Coop. Federal	500	0
Check	10/12/96	3162	St Patrick's Church Memori...	contribution/Frank ...	Coop. Federal	X	Contrib To	(100)	(100)
Check	10/12/96	3162	St Patrick's Church Memori...	memorial contribut...	Contrib To		Coop. Federal	100	0
Check	10/12/96	3163	Manchester Used Office F...	office furniture	Coop. Federal	X	Equipment	(150)	(150)
Check	10/12/96	3163	Manchester Used Office F...	office furniture	Equipment		Coop. Federal	150	0
Check	10/12/96	3164	Schlather, Jessica	reimbursement (vo...	Coop. Federal	X	Copying	(49)	(49)
Check	10/12/96	3164	Schlather, Jessica	copy voter lists	Copying		Coop. Federal	49	0
Deposit	10/15/96		Deposit	xfer to balance ex...	Coop. Federal	X	Balance Expenses	40,000	40,000
Deposit	10/15/96		Deposit	xfer to balance ex...	Balance Expenses		Coop. Federal	(40,000)	0
Deposit	10/15/96		Deposit	Donald Sussman (...	Coord. non-Fed.	X	Individual Contribut...	10,000	10,000
Deposit	10/15/96		Deposit	Donald Sussman (...	Individual Contributions		Coord. non-Fed.	(10,000)	0
Deposit	10/15/96		Deposit	individuals	Coop. Federal	X	-SPLIT-	17,500	17,500
Deposit	10/15/96		Deposit	Bernard Marcus	Individual Contributions		Coop. Federal	(5,000)	12,500
Deposit	10/15/96		Deposit	Wilma Marcus	Individual Contributions		Coop. Federal	(5,000)	7,500
Deposit	10/15/96		Deposit	David Mitzner	Individual Contributions		Coop. Federal	(5,000)	2,500
Deposit	10/15/96		Deposit	Edward Meyer	Individual Contributions		Coop. Federal	(2,500)	0
Check	10/15/96		Greenberg Research, Inc.	Polling (wire transf...	Coop. Federal	X	Polling	(6,500)	(6,500)
Check	10/15/96		Greenberg Research, Inc.	focus groups	Polling		Coop. Federal	6,500	0
Check	10/15/96		Bay Communications	media buy(50Sh.2...	Coop. Federal	X	TV	(28,624)	(28,624)
Check	10/15/96		Bay Communications	media buy(50Sh.2...	TV		Coop. Federal	28,624	0
Check	10/15/96		Citizens Bank	wire transfer fee	Coop. Federal	X	Bank Chrg	(8)	(8)
Check	10/15/96		Citizens Bank	wire transfer fee	Bank Chrg		Coop. Federal	8	0
Check	10/15/96		Citizens Bank	wire transfer fee	Coop. Federal	X	Bank Chrg	(25)	(25)
Check	10/15/96		Citizens Bank	wire transfer fee	Bank Chrg		Coop. Federal	25	0
Check	10/15/96		Citizens Bank	wire transfer fee	Coop. Federal	X	Bank Chrg	(25)	(25)
Check	10/15/96		Citizens Bank	wire transfer fee	Bank Chrg		Coop. Federal	25	0
Check	10/15/96		Postmaster	stamps	Coop. Federal	X	Postage	(200)	(200)
Check	10/15/96		Postmaster	stamps	Postage		Coop. Federal	200	0
Check	10/15/96		Citizens Bank	wire xfer fee	Coord. non-Fed.	X	Bank Chrg	(8)	(8)
Check	10/15/96		Citizens Bank	wire xfer fee	Bank Chrg		Coord. non-Fed.	8	0
Check	10/16/96	3165	BatesNeimond	VOID: consulting (...	Coop. Federal	X	Polling	0	0
Check	10/16/96	3165	BatesNeimond	consulting (mult 4...	Polling	X	Coop. Federal	0	0
Check	10/16/96	3166	The Granite Group, Inc	Newspaper Ads (...	Coop. Federal	X	News	(4,943)	(4,943)
Check	10/16/96	3166	The Granite Group, Inc	newspaper ads Sw...	News		Coop. Federal	4,943	0
Check	10/16/96	3167	pr promotions	10/11 Labels & Bu...	Coop. Federal	X	Printing	(565)	(565)
Check	10/16/96	3167	pr promotions	bumper/labels Ames...	Printing		Coop. Federal	565	0
Deposit	10/16/96		Deposit	McCarley for Stat...	Coord. non-Fed.	X	PAC	9,537	9,537
Deposit	10/16/96		Deposit	McCarley for Stat...	PAC		Coord. non-Fed.	(9,537)	0
Deposit	10/16/96		Deposit	State PACs	Coord. non-Fed.	X	-SPLIT-	6,801	6,801
Deposit	10/16/96		Deposit	Sylvia Larsen for ...	PAC		Coord. non-Fed.	(5,631)	1,170
Deposit	10/16/96		Deposit	Hersman for NH Se...	PAC		Coord. non-Fed.	(1,170)	0
Check	10/16/96		Bay Communications	media buy(50Sh.2...	Coop. Federal	X	TV	(28,624)	(28,624)
Check	10/16/96		Bay Communications	media buy(50Sh.2...	TV		Coop. Federal	28,624	0
Check	10/16/96		Kansas Democratic Party	contribution (wire)	Coord. non-Fed.	X	Contrib To	(15,000)	(15,000)
Check	10/16/96		Kansas Democratic Party	contribution (wire)	Contrib To		Coord. non-Fed.	15,000	0
Check	10/16/96		Citizens Bank	wire transfer fee	Coop. Federal	X	Bank Chrg	(25)	(25)
Check	10/16/96		Citizens Bank	wire transfer fee	Bank Chrg		Coop. Federal	25	0
Check	10/16/96		Citizens Bank	wire xfer fee	Coord. non-Fed.	X	Bank Chrg	(8)	(8)
Check	10/16/96		Citizens Bank	wire xfer fee	Bank Chrg		Coord. non-Fed.	8	0
Check	10/17/96	2005	NH Dem Coop - Federal	split Sussman con...	Coord. non-Fed.	X	Incorrect Deposit	(5,000)	(5,000)
Check	10/17/96	2005	NH Dem Coop - Federal	xfer funds by requ...	Incorrect Deposit		Coord. non-Fed.	5,000	0
Check	10/17/96	3168	NH Democratic State Com...	VOID: xfer excess...	Coop. Federal	X	Misc	0	0
Check	10/17/96	3168	NH Democratic State Com...	corrections to 199...	Misc	X	Coop. Federal	0	0
Deposit	10/17/96		Deposit	individuals	Coop. Federal	X	-SPLIT-	11,200	11,200
Deposit	10/17/96		Deposit	Murphy	Individual Contributions		Coop. Federal	(5,000)	6,200
Deposit	10/17/96		Deposit	Burke	Individual Contributions		Coop. Federal	(5,000)	1,200
Deposit	10/17/96		Deposit	Willer	Individual Contributions		Coop. Federal	(1,000)	200
Deposit	10/17/96		Deposit	Blanuta	Individual Contributions		Coop. Federal	(200)	0
Deposit	10/17/96		Deposit	AFL-CIO National	Coop. Federal	X	PAC	5,000	5,000
Deposit	10/17/96		Deposit	AFL-CIO National	PAC		Coop. Federal	(5,000)	0
Deposit	10/17/96		Deposit	DCCC	Coop. Federal	X	DCCC Xfer	15,000	15,000
Deposit	10/17/96		Deposit	DCCC	DCCC Xfer		Coop. Federal	(15,000)	0
Deposit	10/17/96		Deposit	DSCC/DCCC	Coord. non-Fed.	X	-SPLIT-	43,750	43,750
Deposit	10/17/96		Deposit	DSCC	DSCC Xfer		Coord. non-Fed.	(18,750)	25,000
Deposit	10/17/96		Deposit	DCCC	DCCC Xfer		Coord. non-Fed.	(25,000)	0
Check	10/17/96		Squire Knapp Ochs	media buy (issue)	Coop. Federal	X	Ads TV	(30,000)	(30,000)
Check	10/17/96		Squire Knapp Ochs	media buy (issue)	Ads TV		Coop. Federal	30,000	0
Deposit	10/17/96		Deposit	individuals	Coop. Federal	X	-SPLIT-	9,000	9,000
Deposit	10/17/96		Deposit	Jennifer DuBois	Individual Contributions		Coop. Federal	(1,000)	8,000
Deposit	10/17/96		Deposit	Philip DuBois	Individual Contributions		Coop. Federal	(1,000)	7,000
Deposit	10/17/96		Deposit	Alice Chamberlin	Individual Contributions		Coop. Federal	(1,000)	6,000

REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee
(Summary Page)

USE FEC MAILING L OR TYPE OR PRINT

1. NAME OF COMMITTEE (in full)

New Hamsphire Democratic State Committee

ADDRESS (number and street) ☐ Check if different than previously reported

150 N. Main Street

CITY, STATE and ZIP CODE

Concord, NH 03301

2. FEC IDENTIFICATION NUMBER

C[redacted]

3. ☐ This committee has qualified as a multicand committee. (see FEC FORM 1M)

4. TYPE OF REPORT

(a) ☐ April 15 Quarterly Report
☐ July 15 Quarterly Report
☐ October 15 Quarterly Report
☐ January 31 Year End Report
☐ July 31 Mid Year Report (Non-election Year Only)
☐ Termination Report

Monthly Report Due On:
☐ February 20 ☐ June 20 ☐ October 20
☐ March 20 ☐ July 20 ☐ November 20
☐ April 20 ☐ August 20 ☐ December 20
☐ May 20 ☐ September 20 ☐ January 31

☒ Twelfth day report preceding General (Type of Election)
election on 11/5/96 in the State of NH

☐ Thirtieth day report following the General Election on
_____ in the State of _____.

(b) Is this Report an Amendment? ☐ YES ☒ NO

SUMMARY 5. Covering Period 10/1/96 through 10/16/96	COLUMN A This Period	COLUMN B Calendar Year-to-Date
6. (a) Cash on Hand January 1, 1996		$ 9231.06
(b) Cash on Hand at Beginning of Reporting Period	$ (917.30)	
(c) Total Receipts (from line 19)	$ 424448.07	$ 989805.28
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	$ 423530.77	$ 999036.34
7. Total Disbursements (from Line 30)	$ 366781.89	$ 942287.46
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	$ 56748.88	$ 56748.88
9. Debts and Obligations OwedTO the Committee (Itemize all on Schedule C and/or Schedule D)	$ -0-	
10. Debts and Obligations OwedBY the Committee (Itemize all on Schedule C and/or Schedule D)	$ 16453.30	

For further information contact:
Federal Election Commission
999 E Street, NW
Washington, DC 20463
Toll Free 800-424-9530
Local 202-219-3420

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer
Keith A. Regli

Signature of Treasurer

Date
10/20/96

NOTE: Submission of false, erroneous, or incomplete information maysubject the person signing this Report to the penalties of 2 U.S.C §437g.

FEC FORM 3X
(revised 9/93)

SCHEDULE B — ITEMIZED DISBURSEMENTS

Use separate schedule(s) for each category of the Detailed Summary Page — PAGE 1 OF 1 — FOR LINE NUMBER 22

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (in Full)

New Hamsphire Democratic State Committee — FEC ID No. [redacted]

	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
A. Full Name, Mailing Address and ZIP Code Kansas Democratic Party 1903 Massachusetts St Lawrence, KS 66046-2900	contribution Disbursement for: ☐ Primary ☒ General ☐ Other (specify)	10/16/96	15000.00
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
SUBTOTAL of Disbursements This Page (optional)			15000.00
TOTAL This Period (last page this line number only)			15000.00

REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee
(Summary Page)

TYPE OR PRINT

1. NAME OF COMMITTEE (in full)
New Hamsphire Democratic State Committee

ADDRESS (number and street) ☐ Check if different than previously reported
150 N. Main Street

CITY, STATE and ZIP CODE
Concord, NH 03301

2. FEC IDENTIFICATION NUMBER
C00178038

3. ☐ This committee has qualified as a multicandidate committee. (see FEC FORM 1M)

4. TYPE OF REPORT

(a) ☐ April 15 Quarterly Report
☐ July 15 Quarterly Report
☐ October 15 Quarterly Report
☐ January 31 Year End Report
☐ July 31 Mid Year Report (Non-election Year Only)
☐ Termination Report

Monthly Report Due On:
☐ February 20 ☐ June 20 ☐ October 20
☐ March 20 ☐ July 20 ☐ November 20
☐ April 20 ☐ August 20 ☐ December 20
☐ May 20 ☐ September 20 ☐ January 31

☐ Twelfth day report preceding _____ (Type of Election)
election on _____ in the State of _____

☒ Thirtieth day report following the General Election on
Nov 5 in the State of NH

(b) Is this Report an Amendment? ☐ YES ☒ NO

SUMMARY 5. Covering Period 10/17/96 through 11/30/96	COLUMN A This Period	COLUMN B Calendar Year-to-Date
6. (a) Cash on Hand January 1, 1996		$ 9231.06
(b) Cash on Hand at Beginning of Reporting Period	$ 56748.88	
(c) Total Receipts (from line 19)	$ 1249462.84	$ 2239268.12
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	$ 1306211.72	$ 2248499.18
7. Total Disbursements (from Line 30)	$ 1313212.91	$ 2255500.37
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	$ (7001.19)	$ (7001.19)
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	$ -0-	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	$ 47604.30	

For further information contact:
Federal Election Commissi
999 E Street, NW
Washington, DC 20463
Toll Free 800-424-9530
Local 202-219-3420

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer
Keith A. Reqli

Signature of Treasurer

Date
12/15/96

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C §437g.

FEC FORM 3)
(revised 9/93)

SCHEDULE A — ITEMIZED RECEIPTS

Use separate schedule(s) for each category of the Detailed Summary Page — PAGE 2 OF 5 — FOR LINE NUMBER 15

...y information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions ...urposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (in Full)

ew Hamsphire Democratic State Committee — FEC ID No. C00178038

A. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month day, year)	Amount of Each Receipt this Period
BatesNeimond 1900 L St, NW, #500 Washington, DC 20036 Receipt for: ☐ Primary ☒ General ☐ Other (specify):	voided check from prev report Occupation Aggregate Year-To-Date > $	10/16/96	4000.00
B. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month day, year)	Amount of Each Receipt this Period
Kansas Democratic Party 1903 Massachusetts St Lawrence, KS 66046 Receipt for: ☐ Primary ☒ General ☐ Other (specify):	contrib from prev report was actually non-federal account Occupation Aggregate Year-To-Date > $	10/16/96	15000.00
C. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month day, year)	Amount of Each Receipt this Period
Town of Groton Town Hall Groton, NH Receipt for: ☐ Primary ☐ General ☐ Other (specify):	voided check from prev report Occupation Aggregate Year-To-Date > $	12/16/95	10.00
D. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month day, year)	Amount of Each Receipt this Period
Town of Harrisville Town Hall Harrisville, NH Receipt for: ☐ Primary ☐ General ☐ Other (specify):	voided check from prev report Occupation Aggregate Year-To-Date > $	12/19/95	30.00
E. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month day, year)	Amount of Each Receipt this Period
Town of Winchester Town Hall Winchester, NH Receipt for: ☐ Primary ☐ General ☐ Other (specify):	voided check from prev report Occupation Aggregate Year-To-Date > $	12/19/95	30.00
F. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month day, year)	Amount of Each Receipt this Period
Town of Plaistow Town Hall Plaistow, NH Receipt for: ☐ Primary ☐ General ☐ Other (specify):	voided check from prev report Occupation Aggregate Year-To-Date > $	12/19/95	12.00
G. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month day, year)	Amount of Each Receipt this Period
Town of Sanbornton Town Hall Sanbornton, NH Receipt for: ☐ Primary ☐ General ☐ Other (specify):	voided check from prev report Occupation Aggregate Year-To-Date > $	12/19/95	16.00
SUBTOTAL of Receipts This Page (optional)			19098.00
TOTAL This Period (last page this line number only)			

CITIZENS BANK

1-800-922-9999

Call Info-Line anytime for account information, current rates and answers to your questions.

Commercial Account Statement

1 OF 2

October 31 1996

[redacted]

US009 BR014 13 1

NH DEMOCRATIC COORDINATED DNC FEDERA
150 NO MAIN ST
CONCORD NH 03301

Commercial Checking

SUMMARY

NH DEMOCRATIC COORDINATED DNC
Municipal Checking
[redacted]

Balance Calculation

Previous Balance	108,866.93	
Checks	517,000.00	-
Debits & Fees	260,090.77	-
Deposits & Credits	679,072.04	+
Current Balance	10,848.20	=

Previous Balance
108,866.93

TRANSACTION DETAILS

Checks * There is a break in check sequence

Check #	Amount	Date	Item No.	Check #	Amount	Date	Item No.
—0	41,000.00	10/01	20197569	2004	40,000.00	10/15	10368803
—0	106,000.00	10/01	20112428	2005	5,000.00	10/24	10036749
-0	80,000.00	10/30	20136239	2006	60,000.00	10/23	20221749
—0	40,000.00	10/31	20256423	—2007	125,000.00	10/28	20130995
2003*	20,000.00	10/10	20019253				

Total Checks
517,000.00

Debits & Fees

Other Debits

Date	Item No.	Amount	Description
10/01		8.00	Citizens Bank Wire Tsfr 100196
10/01		8.00	Citizens Bank Wire Tsfr 100196
10/07		8.00	Citizens Bank Wire Tsfr 100796
10/10		8.00	Citizens Bank Wire Tsfr 101096
10/15		8.00	Citizens Bank Wire Tsfr 101596
10/16		8.00	Citizens Bank Wire Tsfr 101696
10/17	20123809	25,000.00	Debit Memo
10/17		15,000.00	Citizens Bank Wire Tsfr 101796
10/17		25.00	Citizens Bank Wire Tsfr 101796
10/17		8.00	Citizens Bank Wire Tsfr 101796
10/21	20267951	150,000.00	Debit Memo
10/22	20098913	20,000.00	Debit Memo
10/25		4.77	Deluxe Check Check/Acc. 961018
10/29	20120199	50,000.00	Debit Memo

Total Debits & Fees
260,090.77

REPRODUCTION 12-16-96
(DATE)

Member FDIC Equal Housing Lender

FROM : NH Democratic Party PHONE NO. : 603 225 [illegible]

CITIZENS BANK

Commercial Account Statement

1-800-922-9999

Call Info Line anytime for account information, current rates and answers to your questions.

2 OF 2

October 31 1996

Commercial Checking continued from previous page

Deposits & Credits

NH DEMOCRATIC COORDINATED DNC
Municipal Checking

Other Credits

Date	Item No.	Amount	Description
10/01	20114505	15,296.00	Deposit
10/01		14,000.00	Citizens Bank Wire Tsfr 100196
10/01		41,862.74	Citizens Bank Wire Tsfr 100196
10/03	10041330	5,000.00	Deposit
10/04	20112943	5,000.00	Deposit
10/07	20223682	21,300.00	Deposit
10/07		70,000.00	Citizens Bank Wire Tsfr 100796
10/09	20201158	20,512.30	Deposit
10/09		40,000.00	Citizens Bank Wire Tsfr 100996
10/15	30099936	9,537.00	Deposit
10/15	10368808	10,000.00	Deposit
10/15		25,000.00	Citizens Bank Wire Tsfr 101596
10/16	10154580	6,801.00	Deposit
10/16		18,750.00	Citizens Bank Wire Tsfr 101696
10/17	20136046	79,800.00	Deposit
10/17		25,000.00	Citizens Bank Wire Tsfr 101796
10/18	10134200	1,000.00	Deposit
10/18	20114313	7,408.00	Deposit
10/18	20006184	14,720.00	Deposit
10/23	20221754	100,100.00	Deposit
10/24	10036741	2,700.00	Deposit
10/24	10078607	5,000.00	Deposit
10/24	10120577	15,000.00	Deposit
10/25	20142502	6,280.00	Deposit
10/28		62,500.00	Citizens Bank Wire Tsfr 102896
10/29	20137915	7,000.00	Deposit
10/29	20129167	9,506.00	Deposit
10/30	20070919	27,500.00	Deposit
10/31	20237158	2,500.00	Deposit
10/31	20165260	10,000.00	Deposit

Total Deposits & Credits
\+ 679,072.04

Current Balance
= 10,848.20

Member FDIC Equal Housing Lender

REPRODUCTION 12-16-96 (DATE)

11/11/96

New Hampshire Democratic Party
Transactions by Date
October 1 through November 11, 1996

Type	Date	Num	Name	Memo	Account	Split	Amount
Paycheck	10/9/96	3126	Ballou, Brian		Coop. Federal	-SPLIT-	-458.48
Paycheck	10/9/96	3127	Bourne, Molly		Coop. Federal	-SPLIT-	-324.40
Paycheck	10/9/96	3128	Bragg, Adam		Coop. Federal	-SPLIT-	-571.45
Paycheck	10/9/96	3129	Capone, Sheila		Coop. Federal	-SPLIT-	-1,229.86
Paycheck	10/9/96	3130	Clemons, Nick M		Coop. Federal	-SPLIT-	-571.45
Paycheck	10/9/96	3131	Collins, Laura E		Coop. Federal	-SPLIT-	-357.19
Paycheck	10/9/96	3132	DuMars, Robert		Coop. Federal	-SPLIT-	-387.23
Paycheck	10/9/96	3133	Fleming, James E		Coop. Federal	-SPLIT-	-758.47
Paycheck	10/9/96	3134	Lee, David H		Coop. Federal	-SPLIT-	-921.43
Paycheck	10/9/96	3135	Lewis, Ben D		Coop. Federal	-SPLIT-	-843.61
Paycheck	10/9/96	3136	Liles, Travis		Coop. Federal	-SPLIT-	-169.70
Paycheck	10/9/96	3137	McCarley, Caroline		Coop. Federal	-SPLIT-	-839.98
Paycheck	10/9/96	3138	Meyer, Noa		Coop. Federal	-SPLIT-	-372.23
Paycheck	10/9/96	3139	Morris, Pat		Coop. Federal	-SPLIT-	-170.49
Paycheck	10/9/96	3140	Nelson, David A		Coop. Federal	-SPLIT-	-1,296.12
Paycheck	10/9/96	3141	Newcomb, Ross		Coop. Federal	-SPLIT-	-458.48
Paycheck	10/9/96	3142	O'Leary, John		Coop. Federal	-SPLIT-	-1,620.15
Paycheck	10/9/96	3143	Pappas, Matt		Coop. Federal	-SPLIT-	-884.94
Paycheck	10/9/96	3144	Purdy, Mary		Coop. Federal	-SPLIT-	-443.48
Paycheck	10/9/96	3145	Quinn, Robert D.		Coop. Federal	-SPLIT-	-1,124.98
Paycheck	10/9/96	3146	Schlather, Jessica		Coop. Federal	-SPLIT-	-324.40
Paycheck	10/9/96	3147	Stillwell, Walter B		Coop. Federal	-SPLIT-	-443.48
Paycheck	10/9/96	3148	Vlacich, Michael A		Coop. Federal	-SPLIT-	-745.24
Paycheck	10/9/96	3149	Walsh, Ed		Coop. Federal	-SPLIT-	-339.40
Paycheck	10/9/96	3150	Weiss, Susan		Coop. Federal	-SPLIT-	-480.48
Paycheck	10/9/96	3152	Wright, Brad		Coop. Federal	-SPLIT-	-324.40
Liability ...	10/9/96				Payroll Expenses	Payroll Liabilities	-100.00
Liability ...	10/9/96	3151	Citizens Bank	941 Deposit	Coop. Federal	-SPLIT-	-7,697.05
Check	10/9/96	3153	Dennis Newman	Field Consulting	Coop. Federal	L&P Fees	-5,000.00
Check	10/9/96	3154	Telemark	phone bank	Coop. Federal	Telephone	-4,121.32
Check	10/9/96	3155	BatesNiemond	consulting (direct...	Coop. Federal	-SPLIT-	-17,427.00
Paycheck	10/9/96	3156	Cushing, Anna E		Coop. Federal	-SPLIT-	-324.40
Deposit	10/9/96		Deposit	Cashed in CD (5...	Coord. non-Fed.	Misc	20,512.30
Deposit	10/9/96		Deposit	DSCC wire trans...	Coord. non-Fed.	Fundraising Inc	60,000.00
Check	10/9/96	2004	NH Dem Coop - Federal	balance expenses	Coord. non-Fed.	Misc	-40,000.00
Deposit	10/9/96			Interest	Non Federal	Interest	12.03
Check	10/10/96	3157	pr promotions	M-19841.24.5	Coop. Federal	-SPLIT-	-1,319.90
Deposit	10/10/96		Deposit	ASDC Dollars fo...	Coop. Federal	Fundraising Inc	6,600.00
Deposit	10/10/96		Deposit	Victory USA (Fe...	Coop. Federal	Fundraising Inc	5,000.00
Deposit	10/10/96		Deposit	Dem State Party ...	Coop. Federal	Fundraising Inc	3,173.07
Deposit	10/10/96		Deposit	Individuals	Coop. Federal	-SPLIT-	24,750.00
Check	10/11/96	3158	Response Marketing	#96105	Coop. Federal	Printing	-7,913.25
Check	10/11/96	3159	Response Marketing	#96130	Coop. Federal	Printing	-513.35
Check	10/11/96	3160	Keefe for Congress	contribution	Coop. Federal	Campaign	-5,000.00
Deposit	10/11/96		Deposit	Individuals	Coop. Federal	-SPLIT-	1,015.00
Deposit	10/11/96		Deposit	Individuals	Coop. Federal	-SPLIT-	192.00
Deposit	10/11/96		Deposit	Individuals	Coop. Federal	-SPLIT-	15,500.00
Check	10/12/96	3161	Sullivan County Democrats	contribution	Coop. Federal	Rent	-500.00
Check	10/12/96	3162	St Patrick's Church Mem...	contribution/Fran...	Coop. Federal	Misc	-100.00
Check	10/12/96	3163	Manchester Used Office ...	office furniture	Coop. Federal	Equipment	-150.00
Check	10/12/96	3164	Schlather, Jessica	reimbursement (...	Coop. Federal	Copying	-49.14
Deposit	10/15/96		Deposit	xfer to balance e...	Coop. Federal	Misc	40,000.00
Deposit	10/15/96		Deposit	Donald Sussman	Coord. non-Fed.	Fundraising Inc	10,000.00
Deposit	10/15/96		Deposit	Individuals	Coop. Federal	-SPLIT-	17,500.00
Check	10/15/96		Greenberg Research, Inc	Polling (wire tran...	Coop. Federal	Campaign	-6,500.00
Check	10/15/96		Citizens Bank	wire transfer fee	Coop. Federal	Bank Chrg	-17.00
Check	10/15/96		Citizens Bank	wire transfer fee	Coop. Federal	Bank Chrg	-17.00
Check	10/15/96		Bay Communications	media buy	Coop. Federal	Campaign	-28,624.32
Check	10/16/96	3165	BatesNiemond	VOID: consulting...	Coop. Federal	Campaign	0.00
Check	10/16/96	3166	The Granite Group, Inc	Newspaper Ads	Coop. Federal	Campaign	-4,943.24
Check	10/16/96	3167	pr promotions	10/11 Labels & B...	Coop. Federal	Campaign	-565.00
Deposit	10/16/96		Deposit	McCarley for Sta...	Coord. non-Fed.	Fundraising Inc	9,537.00
Deposit	10/16/96		Deposit	State PACs	Coord. non-Fed.	-SPLIT-	6,801.00
Check	10/16/96		Bay Communications	media buy	Coop. Federal	Campaign	-28,624.32
Check	10/16/96		Citizens Bank	wire transfer fee	Coop. Federal	Bank Chrg	-17.00
Check	10/16/96		Kansas Democratic Party	contribution	Coop. Federal	Campaign	-15,000.00
Check	10/16/96		Citizens Bank	wire transfer fee	Coop. Federal	Bank Chrg	-25.00

New Hampshire Democratic Party
Transactions by Date
October 1 through December 3, 1996

Type	Date	Num	Name	Memo	Account	Split	Amount
Paycheck	10/9/96	3150	Weiss, Susan		Coop. Federal	-SPLIT-	-480.48
Paycheck	10/9/96	3152	Wright, Brad		Coop. Federal	-SPLIT-	-324.40
Liability Adjust	10/9/96				Payroll Expen...	Payroll Liabilities	-100.00
Liability Check	10/9/96	3151	Citizens Bank	941 Deposit	Coop. Federal	-SPLIT-	-7,607.05
Check	10/9/96	3153	Dennis Newman	Field Consulting	Coop. Federal	L&P Fees	-5,000.00
Check	10/9/96	3154	Telemark	phone bank (25Sh,25Sw,25C,12.5A...	Coop. Federal	Telephone	-4,121.32
Check	10/9/96	3155	BatesNiemond	consulting (direct mail) & absentee	Coop. Federal	-SPLIT-	-17,427.00
Paycheck	10/9/96	3156	Cushing, Anna E		Coop. Federal	-SPLIT-	-324.40
Deposit	10/9/96		Deposit	Cashed in CD (512.30 int)	Coord. non-Fed	Misc	20,512.30
Deposit	10/9/96		Deposit	DSCC wire transfer	Coord. non-Fed.	Fundraising Inc	60,000.00
Check	10/9/96	2004	NH Dem Coop - Federal	balance expenses	Coord. non-Fed.	Misc	-40,000.00
Deposit	10/9/96			Interest	Non Federal	Interest	12.03
Check	10/10/96	3157	pr promotions	M-19841,24,5	Coop. Federal	-SPLIT-	-1,319.90
Deposit	10/10/96		Deposit	ASDC Dollars for Democrats	Coop. Federal	Fundraising Inc	6,600.00
Deposit	10/10/96		Deposit	Victory USA (Fed PAC)	Coop. Federal	Fundraising Inc	5,000.00
Deposit	10/10/96		Deposit	Dem State Party Victory Fund	Coop. Federal	Fundraising Inc	3,173.07
Deposit	10/10/96		Deposit	Individuals	Coop. Federal	-SPLIT-	24,750.00
Check	10/11/96	3158	Response Marketing	#96105 (Swett)	Coop. Federal	Printing	-7,913.25
Check	10/11/96	3159	Response Marketing	#96130 (Swett)	Coop. Federal	Printing	-513.35
Check	10/11/96	3160	Keefe for Congress	contribution	Coop. Federal	Campaign	-5,000.00
Deposit	10/11/96		Deposit	Individuals	Coop. Federal	-SPLIT-	1,015.00
Deposit	10/11/96		Deposit	Individuals	Coop. Federal	-SPLIT-	192.00
Deposit	10/11/96		Deposit	Individuals	Coop. Federal	-SPLIT-	15,500.00
Deposit	10/11/96		Deposit	unitemized	Coop. Federal	Fundraising Inc	15.00
Check	10/12/96	3161	Sullivan County Democrats	contribution	Coop. Federal	Rent	-500.00
Check	10/12/96	3162	St Patrick's Church Memorial Fund	contribution/Frank McConnell	Coop. Federal	Misc	-100.00
Check	10/12/96	3163	Manchester Used Office Furniture	office furniture	Coop. Federal	Equipment	-150.00
Check	10/12/96	3164	Schlather, Jessica	reimbursement (voterlist copies)	Coop. Federal	Copying	-49.14
Deposit	10/15/96		Deposit	xfer to balance expenses	Coop. Federal	Misc	40,000.00
Deposit	10/15/96		Deposit	Donald Sussman	Coord. non-Fed.	Fundraising Inc	10,000.00
Deposit	10/15/96		Deposit	Individuals	Coop. Federal	-SPLIT-	17,500.00
Check	10/15/96		Greenberg Research, Inc.	Polling (wire transfer)(25Sh,25Sw,2...	Coop. Federal	Campaign	-6,500.00
Check	10/15/96		Bay Communications	media buy(50Sh,25Sw,12.5K,12.5A)	Coop. Federal	Campaign	-28,624.32
Check	10/15/96		Citizens Bank	wire transfer fee	Coop. Federal	Bank Chrg	-8.00
Check	10/15/96		Citizens Bank	wire transfer fee	Coop. Federal	Bank Chrg	-25.00
Check	10/15/96		Citizens Bank	wire transfer fee	Coop. Federal	Bank Chrg	-25.00
Check	10/15/96		Postmaster	stamps	Coop. Federal	Postage	-200.00
Check	10/16/96	3165	BatesNiemond	VOID: consulting (direct mail)	Coop. Federal	Campaign	0.00
Check	10/16/96	3166	The Granite Group, Inc	Newspaper Ads (75Sw,25A)	Coop. Federal	Campaign	-4,943.24
Check	10/16/96	3167	pr promotions	10/11 Labels & Bumper Stickers (Ar...	Coop. Federal	Campaign	-565.00
Deposit	10/16/96		Deposit	McCarley for State Senate	Coord. non-Fed.	Fundraising Inc	9,537.00
Deposit	10/16/96		Deposit	State PACs	Coord. non-Fed.	-SPLIT-	6,801.00
Check	10/16/96		Bay Communications	media buy(50Sh,25Sw,12.5K,12.5A)	Coop. Federal	Campaign	-28,624.32
Check	10/16/96		Kansas Democratic Party	contribution	Coop. Federal	Campaign	-15,000.00
Check	10/16/96		Citizens Bank	wire transfer fee	Coop. Federal	Bank Chrg	-25.00
Check	10/17/96	2005	NH Dem Coop - Federal	split Sussman contrib	Coord. non-Fed	Fundraising Inc	-5,000.00
Check	10/17/96	3168	NH Democratic State Committee	VOID: xfer excess cash 1994	Coop. Federal	Misc	0.00
Deposit	10/17/96		Deposit	Individuals	Coop. Federal	-SPLIT-	11,200.00

1968

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

Kansas Democratic State Committee
(Name of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box: Cash	Check	Loan	Other	Amount of Cash, Check, Loan or Other Receipt
10/21	New Hampshire Democratic Party 150 N Main Concord, NH 03301	State Party				x	15000.00
10/18	California Democratic Party 8440 Santa Monica Blvd Los Angeles, CA 90069	State Party				x	14990.00
10/18	South Dakota Democratic Party Box 737 Sioux Falls, SD 57101	State Party				x	15000.00
10/23	The Committee For Marge Petty 104 NW Greenwood Ave Topeka, KS 66606	Campaign		x			5500.00
10/23	Chong-Moon Lee 1245 Oak Pkwy Sunnyvale, CA 94086	Chair - American Technologies		x			15000.00
10/23	Kansans for a Democratic House Box 2083 Topeka, KS 66601	Recognized Party Committee		x			5000.00
10/23	Bill Koch 1601 Forum Pl West Palm Beach, FL 33401	Executive		x			15000.00

Subtotal This Page 85490.00

Complete if last page of schedule		
	Total Itemized Receipts for Period	584637.15
	Total Unitemized Contributions ($50 or less)	5114.96
	Sale of Political Materials (Unitemized)	
	Total Contributions When Contributor Not Known	
	TOTAL RECEIPTS THIS PERIOD (to line 2 of Summary)	589752.11

3D

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

ınsas Democratic Party

(N ne of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box				Amount of Cash, Check, Loan or Other Receipt
			Cash	Check	Loan	Other	
10/30	Montana Democratic Party Box 802 Helena, MT 59624	State Party				x	15000.00
12/13	Jim Allen Associates 820 Quincy Ste 220C Topeka, KS 66612			x			100.00
10/25	Minnesota DFL 352 Wacouta St St. Paul, MN 55101	State Party		x			15000.00
10/25	Shamberg, Johnson and Bergman 4551 W 107th Ste 355 Shawnee Mission, KS 66207	Law Firm		x			5000.00
10/25	Michigan Democratic Party 606 Townsend Lansing, MI 48933	State Party		x			15000.00
12/13	KS Association of Democratic County Chairs Box 1914 Topeka, KS 66601	Affiliated Committee		x			500.00
11/1	Laborers' Political League 905 16th St NW Washington, DC 20006	Labor Organization		x			2000.00
10/25	Carpenters District Council 625 W 39th St Kansas City, MO 64111	Carpenters		x			5000.00
10/29 12/17	Vaughn Flora for State Representative 431 Woodlawn Topeka, KS 66607	Candidate Committee		x x			740.00 150.00
10/25	Richard Fredericks 2395 Vallejo St San Francisco, CA 94123	Requested		x			15000.00
T otal This Page							73490.00

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

..nsas Democratic Party

N ..e of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box				Amount of Cash, Check, Loan or Other Receipt
			Cash	Check	Loan	Other	
10/30	Montana Democratic Party Box 802 Helena, MT 59624	State Party				x	15000.00
12/13	Jim Allen Associates 820 Quincy Ste 220C Topeka, KS 66612			x			100.00
10/25	Minnesota DFL 352 Wacouta St St. Paul, MN 55101	State Party		x			15000.00
10/25	Shamberg, Johnson and Bergman 4551 W 107th Ste 355 Shawnee Mission, KS 66207	Law Firm		x			5000.00
10/25	Michigan Democratic Party 606 Townsend Lansing, MI 48933	State Party		x			15000.00
12/13	KS Association of Democratic County Chairs Box 1914 Topeka, KS 66601	Affiliated Committee		x			500.00
1/1	Laborers' Political League 905 16th St NW Washington, DC 20006	Labor Organization		x			2000.00
10/25	Carpenters District Council 625 W 39th St Kansas City, MO 64111	Carpenters		x			5000.00
10/29 12/17	Vaughn Flora for State Representative 431 Woodlawn Topeka, KS 66607	Candidate Committee		x x			740.00 150.00
10/25	Richard Fredericks 2395 Vallejo St San Francisco, CA 94123	Requested		x			15000.00
..otal This Page							73490.00

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

.ansas Democratic Party

N ne of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box				Amount of Cash, Check, Loan or Other Receipt
			Cash	Check	Loan	Other	
10/30	Montana Democratic Party Box 802 Helena, MT 59624	State Party				x	15000.00
12/13	Jim Allen Associates 820 Quincy Ste 220C Topeka, KS 66612			x			100.00
10/25	Minnesota DFL 352 Wacouta St St. Paul, MN 55101	State Party		x			15000.00
10/25	Shamberg, Johnson and Bergman 4551 W 107th Ste 355 Shawnee Mission, KS 66207	Law Firm		x			5000.00
10/25	Michigan Democratic Party 606 Townsend Lansing, MI 48933	State Party		x			15000.00
12/13	KS Association of Democratic County Chairs Box 1914 Topeka, KS 66601	Affiliated Committee		x			500.00
11/1	Laborers' Political League 905 16th St NW Washington, DC 20006	Labor Organization		x			2000.00
10/25	Carpenters District Council 625 W 39th St Kansas City, MO 64111	Carpenters		x			5000.00
10/29 12/17	Vaughn Flora for State Representative 431 Woodlawn Topeka, KS 66607	Candidate Committee		x x			740.00 150.00
10/25	Richard Fredericks 2395 Vallejo St San Francisco, CA 94123	Requested		x			15000.00
	.otal This Page						73490.00

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

Riley County Democratic Central Committee
of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box: Cash	Check	Loan	Other	Amount of Cash, Check, Loan or Other Receipt
23-96	Robert Littrell 900 Poyntz Ave. Manhattan, Ks. 66502					✓	301.89
03-96	Robert Littrell 900 Poyntz Ave. Manhattan, Ks. 66502					✓	318.93
03-96	Democratic Congressional Campaign Comm. 430 South Capitol Street, SE Washington, D.C. 20003			✓			5000.00

Subtotal This Page

Complete if last page of schedule		
	Total Itemized Receipts for Period	5620.82
	Total Unitemized Contributions ($50 or less)	40.00
	Sale of Political Materials (Unitemized)	-0-
	Total Contributions When Contributor Not Known	558.18
	TOTAL RECEIPTS THIS PERIOD (to line 2 of Summary)	6219.00

SCHEDULE C
EXPENDITURES AND OTHER DISBURSEMENTS

Riley County Democratic Central Committee
(Name of Candidate, Party Committee or Political Committee)

Date	Name and Address	Purpose of Expenditure or Disbursement	Amount
10-2-96	Kansas Democratic Party P.O. Box 1914 Topeka, Kansas 66601	Contribution	4500.00
10-15-96	U.S. Post Office 500 Leavenworth Manhattan, Kansas 66502	Postage for Robert Littrell Campaign	1168.94
8-19-96 9-20-96 10-24-96	Bank service charges First Bank 3.69 701 Poyntz 4.67 Manhattan, Ks. 3.63	Service Charges	11.99

Subtotal This Page 5680.93

Complete if last page of Schedule		
	Total Itemized Expenditures This Period	7466.39
	Total Unitemized Expenditures of $50 or less	-0-
	TOTAL EXPENDITURES & OTHER DISBURSEMENTS THIS PERIOD (to line 4 of Summary)	7466.39

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

Kansas Democratic State Committee
ame of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box: Cash	Check	Loan	Other	Amount of Cash, Check, Loan or Other Receipt
8/20	Gallaway for State Representative Box 21 Dwight, KS 66849	Campaign Committee		x			400.00
10/3	Arkansas Democratic Party 1300 W Capitol Little Rock, AR 72201	State Party		x			15000.00
10/16	Geary County Democrats Junction City, KS 66441	County Party		x			250.00
10/10	Kansas Political Action Committee 715 W 10th Topeka, KS 66612	Educators		x			1750.00
27 '15	Harvey County Democrats Box 852 Newton, KS 67114	County Committee		x x			110.00 4500.00
8/20 9/24 9/27 10/2	Senate Victory Fund Box 1811 Topeka, KS 66601	Recognized Party Committee		x x x x			5000.00 5000.00 1893.72 1000.00
10/7 10/15 10/18	Senate Victory Fund Box 1811 Topeka, KS 66601	Recognized Party Committee (For Services)		x x x			ervices 9866.40 Services 8100.00 3033.16
10/2	Democratic Senatorial Campaign Committee Box 1811 Topeka, KS 66601	Senate Democrats		x			800.00
10/10	Riley County Democrats Manhattan, KS 66502	County Party		x			4500.00
8/14	Michael Griesser 12700 Park Central Dr Ste 455 Dallas, TX 75251	Attorney		x			250.00
	otal This Page						61453.28

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

...o County Democratic Central Committee
... of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box: Cash Check	Loan	Other	Amount of Cash, Check, Loan or Other Receipt
)-96	Docking for U. S. Senate 125 S. Crestway Wichita, KS 67218		X			125.00
4-96	Divine For Congress P.O. Box 3565 Salina, KS 67402-3565		X			125.00
)-96	Kansans for Rathbun 254 N. Crestway Wichita, KS 67208		X			125.00
-96	Gerald Karr-State Senate 1324 State Emporia, KS 66801		X			125.00
3-96	Sawyer for Representative 1116 Dayton Wichita, KS 67213		X			125.00
-96	Teamsters Union No. 795 4921 Cessna Wichita, KS 67210	PAC	X			1,500.00
26-96	Sally Thompson for U. S. Senate P.O. Box 358 Topeka, KS 66601-0358	Political Campaign	X			300.00
)-96	Demo. Congressional Campaign Comm. 430 S. Capitol St. SE Washington, D.C. 20003	Campaign Comm.	X			5,000.00
-02-96	Kansas Environmental Energy 800 SE Quincy Topeka, KS 66612	Network PAC PAC	X			5,000.00
3-96	Docking for U.S. Senate P.O. Box 306 Wichita, KS 67201-0306	Political Campaign	X			300.00
...total This Page						12,725.00

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SCHEDULE C
EXPENDITURES AND OTHER DISBURSEMENTS

County Democratic Central Committee
(Name of Candidate, Party Committee or Political Committee)

Date	Name and Address	Purpose of Expenditure or Disbursement	Amount
9-96	L & T Investments 720 North Main Hutchinson, KS 67501	Rent-Democratic Headquarters	100.00
9-96	Kansas State Fair Fairgrounds Hutchinson, KS 67502	Tickets - Demo.State Fair Booth	60.00
-96	Advertising Specialties 606 N. Main Hutchinson, KS 67501	Give aways for State fair	514.27
3-96	Owl Printing & Lithographing 431 S. St. Francis Wichita, KS 67201	Wade Garrett printing costs	97.42
3-96	Kansas Coordinated Campaign Comm. P.O. Box 1914 Topeka, KS 66601	Electoral targeting data, Voter data base and software survey research-Voter contact services GOTV	4,500.00
07-96	Wade Garrett Campaign 1408 West 24th Hutchinson, KS 67502	Contribution	2,500.00
07-96	Jennifer Vincent Campaign 3206 East 43rd Hutchinson, KS 67502	Contribution	370.00
7-96	Larry Tucker Campaign 3901 Quivira Drive Hutchinson, KS 67502	Contribution	500.00
07-96	L & T Investments 720 North Main Hutchinson, KS 67501	Rent-Democratic Headquarters	100.00
7-96	Bob Krehbiel Campaign P.O. Box 7 Pretty Prairie, KS 67570	Contribution	1,000.00
Total This Page			9,741.69

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

ısas Democratic State Committee
ıme of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box				Amount of Cash, Check, Loan or Other Receipt
			Cash	Check	Loan	Other	
)/10	Cowley County Democrats 917 Main Winfield, KS 67156	County Party		x			4750.00
2	Kansas Pipeline Operating Company 8325 Lenexa Dr Ste 400 Shawnee Mission, KS 66214	Pipeline Company		x			5000.00
/15	Sedgwick County Democrats Box 17361 Wichita, 67201	County Party		x			4250.00
/10	Osage County Democrats 213 Chase Burlingame, KS 66413	County Party		x			4750.00
17	Idaho Democratic Party Box 445 Boise, ID 83701	State Party		x			15000.00
/18	South Carolina Democratic Party Box 5965 Columbia, SC 29250	State Party		x			15000.00
/21	J.M. Limited 1011 E 13th St Wichita, KS 67214	Architects		x			2000.00
/21	Sedgwick County Federated Women's Democratic Club Wichita, KS 67202	Women's Organization		x			200.00
12	Tino Monaldo, Chartered Box 728 Hutchinson, KS 67504	Attorney		x			1000.00
/7	Reno County Democrats Hutchinson, KS 67501	County Party		x			4500.00
ɔtal This Page							56450.00

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1979

KANSAS COMMISSION ON GOVERNMENTAL
STANDARDS AND CONDUCT

RECEIPTS AND EXPENDITURES REPORT
OF A POLITICAL OR PARTY COMMITTEE

AMENDED

APR 2 1997

October 28, 1996

FILE WITH SECRETARY OF STATE
SEE REVERSE SIDE FOR INSTRUCTIONS

A. Name of Committee SHAWNEE COUNTY DEMOCRATIC CENTRAL COMMITTEE

Address 715 N.E FREEMAN

City and Zip Code TOPEKA, KS 66616 County SHAWNEE

This is a (check one): _____ Party Committee X Political Committee

B. Check only if appropriate: X Amended Filing _____ Termination Report

C. Summary (covering the period from July 26, 1996 thru October 24, 1996)

1. Cash on hand at beginning of period	-418.60
2. Total Contributions and Other Receipts (Use Schedule A)	23,975.00
3. Cash available this period (Add Lines 1 and 2)	23,556.40
4. Total Expenditures and Other Disbursements (Use Schedule C)	13,182.61
5. Cash on hand at close of period (Subtract Line 4 from 3)	10,373.79
6. In-Kind Contributions (Use Schedule B)	
7. Other Transactions (Use Schedule D)	

D. "I declare that this report, including any accompanying schedules and statements, has been examined by me and to the best of my knowledge and belief is true, correct and complete. I understand that the intentional failure to file this document or intentionally filing a false document is a class A misdemeanor."

April 16, 97 — Kimberly A. Winter

Date — Signature of Treasurer

KCGSC FORM 103

9/16/96	Vaughn Flora State REp. 431 SE Woodland Topeka, KS 66607	Check	$ 500.00
9/19/96	Democrat Action Committee 431 SE Woodland Topeka, KS 66607	Check	$ 25.00
9/21/96	Faye Wilson 3320 SW 20th Topeka, KS 66604	Check	$ 500.00
9/23/96	KS Envir.Energy Network 800SE Quincy Topeka, KS 66612	Check PAC	$5000.00
9/30/96	Democratic Congressional Campaign Committee Non Federal Account#1 430 South Capitol Street SE Washington, DC 20003	Check	$5000.00
10/01/96	TCU-PEP 3 Research Place Rockville, MD 20850	Check	$250.00
10/1/96	Joseph & Lucy Stein 1607 SW College Topeka, KS 66604	Check	$ 25.00
10/2/96	Thomas Schwartz 2910 S Topeka Blvd Topeka, KS 66611	Check	$200.00
10/5/96	William Bell 931 Mac Vicar Topeka,KS 66606	Check	$ 75.00
	SUBTOTAL OF THIS PAGE		$11,575.00

9/20/96	Kim Brown Topeka, KS	Graphic Design	$ 155.41
9/20/96	ASA Research Topeka, KS	Polling	$400.00
9/20/96	Claude Lee 6540 SW SKyline Topeka, KS 66614	Reimbursement Stamps	$ 31.03
9/20/96	Econo Print 6261 B Sw 9th Topeka, KS 66615	Printing	$296.16
9/20/96	Sherry McGowan P.O. 1436 Topeka, KS 66601	Reimbursement Picnic/Kinkos Copier	$618.09
9/20/96	Handke Campaign	Contribution	$ 25.00
9/20/96	Deithcher Campaign	Contribution	$ 25.00
9/20/96	Sovanski Campaign	Contribution	$ 25.00
9/20/96	Kuether Campaign	Contribution	$ 25.00
10/1/96	Hamilton for District Attorney	Contribution	$ 50.00
10/3/96	Bill Wagnon Campaign	Contribution	$500.00
10/3/96	KSCoordinated Campaign	Contribution	$4500.00
10/3/96	Copy Center 607 S.E. Quincy Topeka,KS 66603	Printing	$ 33.00

SUBTOTAL OF THIS PAGE - $6,650.69

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

ansas Democratic State Committee
ame of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box				Amount of Cash, Check, Loan or Other Receipt
			Cash	Check	Loan	Other	
)/15	Kramer International, Inc. Box 04576 Milwaukee, WI 53204	Foundry		x			1000.00
'20	Western Landscape, Inc. Box 128 St. Paul, KS 66771	Construction		x			500.00
)/4	Colorado Democratic Party 770 Grant St Ste 200 Denver, CO 80203	State Party				x	14990.00
)/7)/10	Shawnee County Democratic Party Box 1436 Topeka, KS 66601	County Party		x x			4500.00 3500.00
)/7	Georgia Democratic Party 1100 Spring St Ste 420 Atlanta, GA 30309	State Party				x	15000.00
)/10	Marshall County Democrats Marysville, KS 66508	County Party		x			4750.00
)/16	Louisiana Democratic Party Box 4385 Baton Rouge, LA 70821	State Party		x			15000.00
'27	Florida Democratic Party 214 S Bronough Tallagassee, FL 32301	State Party				x	15000.00
'30	Nebraska Democratic Party 715 S 14th Lincoln, NE 68508	State Party				x	14990.00
'4	Sheet Metal Workers Local #2 LAC 2902 Blue Ridge Blvd Kansas City, MO 64129	Sheet Metal Workers		x			250.00
otal This Page							89480.00

29A

1983

Itemized Category Report by Category

7/26/96 Through 10/24/96

10/25/96 Page 2

DEMO-Selected Accounts

Date	Acct	Num	Description	Memo	Category	Clr	Amount
	EXPENSES						
	Campaign						
9/30/96	Ame...	1016	Sedgwick Coun...	voter list up...	Campaign		-116.50
10/4/96	Ame...	1027	KS Coordinate...	Services	Campaign		-4,250.00
10/11/96	Ame...	DEP	Anita L. Guidry	cash	Campaign		100.00
10/21/96	Ame...	1030	Sedgwick Coun...	Mail ballot l...	Campaign		-70.46
10/24/96	Ame...	DEP	Phillip M. Allen		Campaign		100.00
8/10/96	Com...	2489	Mobilizing De...	PO BOX 1914/T...	Campaign		-50.00
8/19/96	Com...	2492	Election Comm...	510 N Main/67201	Campaign		-76.40
8/29/96	Com...	2494	Young Democrats		Campaign		-100.00
	Total Campaign						-4,463.36
	Com...						
	Charity						
9/15/96	Ame...	1008	Susan's Flowers	Floyd Schroeder	CompExp:Charity		-34.42
8/9/96	Com...	2488	Susan's Flowers	George Rogers	CompExp:Charity		-39.71
	Total Charity						-74.13
	Total CompExp						-74.13
	Computer Exp						
9/30/96	Ame...	1023	Ken Martin	Loan repaymen...	Computer Exp		-173.77
9/30/96	Ame...	1024	Ken Grotewiel	Computer work	Computer Exp		-250.00
	Total Computer Exp						-423.77
	Copier						

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

sas Democratic State Committee

me of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box				Amount of Cash, Check, Loan or Other Receipt
			Cash	Check	Loan	Other	
/10	Cowley County Democrats 917 Main Winfield, KS 67156	County Party		x			4750.00
	Kansas Pipeline Operating Company 8325 Lenexa Dr Ste 400 Shawnee Mission, KS 66214	Pipeline Company		x			5000.00
'15	Sedgwick County Democrats Box 1736 Wichita, 67201	County Party		x			4250.00
'10	Osage County Democrats 213 Chase Burlingame, KS 66413	County Party		x			4750.00
.7	Idaho Democratic Party Box 445 Boise, ID 83701	State Party		x			15000.00
'18	South Carolina Democratic Party Box 5965 Columbia, SC 29250	State Party		x			15000.00
'21	J.M. Limited 1011 E 13th St Wichita, KS 67214	Architects		x			2000.00
'21	Sedgwick County Federated Women's Democratic Club Wichita, KS 67202	Women's Organization		x			200.00
.2	Tino Monaldo, Chartered Box 728 Hutchinson, KS 67504	Attorney		x			1000.00
'7	Reno County Democrats Hutchinson, KS 67501	County Party		x			4500.00
tal This Page							56450.00

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SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

llis County Democratic Central Committee
of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box: Cash	Check	Loan	Other	Amount of Cash, Check, Loan or Other Receipt
20-96	Glenn Braun 2709 Thunderbird Dr. Hays, KS 67601	Lawyer		X			300.00
4-96	Democratic Congressional Campaign 430 S. Capitol S.E. Washington, D.C. 20003	National Congressional Campaign		X			5,000.00
1-96	Norbert & Jeanie Dreiling 3006 Tam O'Shanter Hays, KS 67601	Lawyer		X			100.00
3-96	Bob Glassman 2702 Hillcrest Hays, KS 67601	Lawyer		X			100.00
5-96	Kansas Political Action Committee 715 W. 10th Topeka, KS 66612	KS. Political Action Comm.		X			5,000.00
15-96	Robert Schmidt 2902 Country Lane Hays, KS 67601	Bussiness Owner		X			100.00

ibtotal This Page

Complete if last page of schedule	Total Itemized Receipts for Period	10,600.00
	Total Unitemized Contributions ($50 or less)	1,319.49
	Sale of Political Materials (Unitemized) INTEREST EARNED	8.62
	Total Contributions When Contributor Not Known	-0-
	TOTAL RECEIPTS THIS PERIOD (to line 2 of Summary)	11,928.11

SCHEDULE C
EXPENDITURES AND OTHER DISBURSEMENTS

Ellis County Democratic Central Committee

(Name of Candidate, Party Committee or Political Committee)

Date	Name and Address	Purpose of Expenditure or Disbursement	Amount
10-8-96	Jill Docking Campaign PO Box 306 Wichita, KS 67201-0306	Donation	200.00
10-15-96	Kansas Coordinating Campaign PO Box 1914 Topeka, KS 66601	Donation	4,500.00
10-15-96	Greg Schwartz 3600 Hall Apt C. Hays, KS 67601	Headquarters Employee	300.00
10-22-96	Hays Medical Center 2200 Canterbury Hays, KS 67601	Food/Supplies Docking Breakfast	400.00
10-22-96	Chef Harold Perett c/o Hays Medical Center 2220 Canterbury Hays, KS 67601	Chef Services Docking Breakfast	150.00

Subtotal This Page		5,550.00
Complete if last page of Schedule	Total Itemized Expenditures This Period	11,650.08
	Total Unitemized Expenditures of $50 or less	488.16
	TOTAL EXPENDITURES & OTHER DISBURSEMENTS THIS PERIOD (to line 4 of Summary)	12,138.24

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

sas Democratic State Committee

ume of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box				Amount of Cash, Check, Loan or Other Receipt
			Cash	Check	Loan	Other	
10	Hoechst Marion Roussel Box 9627 Kansas City, MO 64134	Pharmaceuticals		x			250.00
27	Ruff for Representative 321 Arch St Leavenworth, KS 66048	Campaign Committee		x			50.00
30	William Sadowsky 580 Wolf Swamp Rd Longmeadow, MA 01106	Beer Wholesaler		x			5000.00
24	Sawyer for Representative 1041 Elizabeth Wichita, KS 67213	Campaign Committee		x			175.00
16	Kansas State U.A.W. PAC 500 Kindelberger Rd Kansas City, KS 66115	Autoworkers		x x x			250.00 1000.00 1000.00
28	Jodi Schwartz 200 E 78th St Apt 15D New York, NY 10021	Attorney		x			2000.00
18	Black Democrat Caucus of Kansas Leavenworth, KS 66048	Affiliated Organization		x			250.00
10	4th District KFWDC 511 W 7th Newton, KS 67114	Women's Organization		x			350.00
12	Judy Showalter for House 1615 Ames Winfield, KS 67156	Campaign Committtee		x			400.00
7 15	Ellis County Democrats Hays, KS 67601	County Party		x			4500.00 4500.00
otal This Page							19725.00

SCHEDULE A:
CONTRIBUTIONS AND OTHER RECEIPTS

DOUGLAS COUNTY DEMOCRATIC CENTRAL COMMITTEE

DATE	*NAME*	*ADDRESS*	*OCCUPATION*	*Cash, Ck, Loan, Oth*	*AMOUNT*
8/15/96	Gordon, Margaret	1125 Cynthia Street 66049		Check	100
8/15/96	Gesner, Scott & Marlene G	199 N. 2175 Rd. Lecompton		Check	25
8/15/96	Francisco, marci & Joe Bl	946 Ohio, Lawrence 66044		Check	50
8/15/96	Melton, Bob	2711 W. 24th Terr Lawr 66046		Check	50
8/15/96	Barnhill, Curtis & Martha	3410 Richard Ct, Lawren 66046		Check	10
8/15/96	Enoch, Hilda	1500 El Dorado 66047		Check	25
8/15/96	Burress, David	912 Holiday Dr. Lawr 66046		Check	25
8/15/96	Muehlenhard, Charlene	Pysch Dept. KU 66045		Check	100
8/15/96	Roedel, Harlan & Sidney	711 Arizona 66049		Check	25
8/15/96	Gerner, Deborah & Philip	1509 Crescent RD Lawrence		Check	100
8/17/96	Hitt, Thomas			Check	10
8/17/96	Findley for State Representative	1741 W. 19th, Lawr, KS 66046		Check	100
8/17/96	Cash Contributions			Cash	119
8/22/96	Gingerich, John	3133 Creekwood 66049		Check	25
8/22/96	McKay, Douglas & Linda	804 Missouri Lawrence 66044		Check	50
8/22/96	Andersen, Jo	1402 New York, Lawr 66044		Check	25
8/22/96	Elkins, Susan & Jack Wine	902 Rockledge Lawr 66049		Check	100
9/4/96	Baur, E. Jackson	6 Westwood 66044		Check	50
9/4/96	Scally, Peggy	707 Tennessee 66044		Check	50
9/4/96	Lopes, Steve	704 Ohio, Lawrence 66044		Check	25
9/4/96	Charlton, Betty Jo	1624 Indiana, Lawrence 66044		Check	100
9/4/96	Baumgartel, Howard	2115 Greenbrier 66047		Check	25
9/4/96	CD Interest - Mercantile Bank	900 Massachusetts, Lawrence		Check	36.38
9/9/96	Wert, Hal	517 E. 1550 Rd. Baldwin		Check	25
9/9/96	Dutton, Ed.	2120 Louisiana, Lawrence		Check	25
9/9/96	Michener, Charles & Mary	1706 W. 2nd St. Lawrence		Check	100
9/9/96	Docking For Senate	Box 306, Wichita, KS 6720		Check	150
9/14/96	Strand, Sandy	444 Louisiana, 66044		Check	10
9/14/96	Lauridsen, La Monte & Lou	911King Bx 331Baldwin 660		Check	33.75
9/14/96	Hancock For Congress	box 7307, Overland Park,		Check	150
9/14/96	Ballard, Barbara for State Rep.	1532 Alvamar 66047		Check	150
9/14/96	Worster, Beverly for Co. Comm.	1034 E. 450 Rd. Lawr 66046		Check	150
9/21/96	Thurmaier, Kurt/Jeanine	1611 Learnard 66044		Check	25
9/21/96	Findely, Troy for State Rep.	1741 W. 19th, Lawr, KS 66044		Check	300
9/21/96	Low, Diane	317 Boulder, Lawrence 66046		Check	120
9/21/96	Wells, Pat for Co. Treasurer	3301 W. 22nd, Lawr 66047		Check	150
9/21/96	Hancock For Congress	box 7307, Overland Park,		Check	67
9/30/96	KS Envir. Energy Network	800 S.E. Quincy, Topeka 66612	Political Action Comm.	Check	5000
10/7/96	Democratic Congressional Campaign	430 S. Capitol St., WA, DC. 2003	Political Action Comm.	Check	5000
10/15/96	Hull, Walter & Ruth	2043 Mass, 66046		Check	50

SCHEDULE C:
EXPENDITURES AND DISBURSEMENTS

Date	Name	Address	Purpose of Expenditure	Amount
7/31/96	Douglas County Fairgrounds	Douglas County Courthouse	Booth Rental	-125
8/17/96	Paul Jefferson Fund	2421 Harvard - Louise Silber	Donation for National Convention	-100
8/17/96	Copy Co.	1401 W. 23rd., Lawrence	Printing	-71.96
9/6/96	Kansas Public Service	110 E. 9th	Utilities for Headquarters	-70
9/9/96	Mercantile Bank	900 Massachusett	CD Interest	-21.1
9/10/96	Mike Morley	700 Mississippi,	Headquarters rental	-550
9/10/96	Diana Dresser	1325 Raintree, L	Headquarters supplies	-42.92
9/12/96	Southwestern Bell	Dallas Texas 753	Telephone	-130
9/22/96	Dillions	1740 Massachuset	Postage	-64
9/22/96	Kinkos	911 Massachusett	Printing	-5.96
9/26/96	Liz Maggard		Supplies	-20
9/26/96	Laura Jost	1015 Mississippi	Printing	-100
9/27/96	Minuteman Press	611 Vermont, Law	Printing	-693.13
9/27/96	Kansas Key Press	416 E. Ninth 660	Printing	-1580.03
9/27/96	Mary Spellman	933 Christie Cou	Yardsigns	-2200
10/1/96	Dillions	1740 Massachuset	Postage	-76.8
10/1/96	Mike Morley	700 Mississippi,	Headquarters Rental	-550
10/1/96	Blue Iron Company	920 Delaware, La	Telephone	-60
10/4/96	Diana Dresser	1325 Raintree, L	Headquarters Supplies, postage, printing	-42.61
10/4/96	Kansas Key Press	416 E. Ninth 660	Newsletter printing	-252.13
10/5/96	Forrest Swall	1718 E. Rd., Law	Materials for Headquarters Ramp	-393.5
10/5/96	Kansas State Democratic Comn	Topeka, Kanas	Voter Lists, Phone lists, Voter Labels,	-4500
10/11/96	Champion Publishing	Baldwin City, KS	Newspaper AD	-110
10/11/96	Journal World	609 New Hampshire	Newspaper AD	-134.55
10/15/96	Southwestern Bell	Dallas Texas 753	Telephone	-95.89
10/15/96	Copy Co.	1401 W. 23rd, La	Printing	-71.96
10/15/96	Wert, Hal	517 E. 1550 Rd.	Political Buttons	-44
10/18/96	Journal World	609 New Hampshire	Newspaper AD	-399.28
10/18/96	Davis, Paul	1145 W. Hills Parkway, Lawrence	Postage, Printing	-182.29
10/22/96	KLWN Radio	3035 Iowa, Lawrence	Radio Ads	-807
10/22/96	Della Hadley	2714 B. Chipperfield, Lawrence,	Postage	-37.42
10/24/96	Diana Dresser	1325 Raintree, Lawrence, KS 66044	Volunteer food, postage, bulk postage	-127.06

Total 7/26/96 - 10/24/96

Total Itemized Expenditures This Peric	**$13,658.59**
Total Unitemized Expenditures This P	0
Total Expenditures	**$13,658.59**

1989

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

Kansas Democratic State Committee
(Name of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box: Cash	Check	Loan	Other	Amount of Cash, Check, Loan or Other Receipt
1/27	Mid-America Ag. System, Inc. 642 Idlewilde St Salina, KS 67401	Radio		x			2000.00
1/16	Elect Chris Steineger 51 S 64th Kansas City, KS 66111	Campaign Committee		x			800.00
1/8	David Steiner Llewellen Park Orange, NJ 07052	Attorney		x			5000.00
1/21	Kansas AFL-CIO COPE Fund 2131 SW 36th Topeka, KS 66611	Labor		x			2500.00
1/10	Douglas County Democrats Box 63 Lawrence, KS 66044	County Party		x			4500.00
1/21	Democratic Luncheon Club 700 SW Jackson Topeka, KS 66603	Affiliated Organization		x			100.00
1/16	Alabama Democratic Party 290 21st St, N Ste 405 Birmingham, AL 35203	State Party				x	14990.00
1/15	Plumbers Local Union 8 PAC 8600 Hillcrest Ste 2 Kansas City, MO 64136	Plumbers		x			1000.0.
1/7	Total Concept Graphics 4407 Cloudburst Rd Hickory Hill, TN 38141	Printing Brokerage Firm		x			10000.00
1/7	Williamson Oil Co., Inc. Box 807 Fort Payne, AL 35967	Oil		x			15000.00
Total This Page							55890.00

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

Osage County Democratic Central Committee
of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box: Cash	Check	Loan	Other	Amount of Cash, Check, Loan or Other Receipt
1/6	Bev Masters RR2 Box 98 Burlingame, KS 66413			X			115.00
1/3	DCCC Washington, DC	Transfer of funds from National Committee		X			5,000.00
1/23	Bev Masters RR2 Box 98 Burlingame KS 66413	Reimbursement for food for volunteers		X			85.98

Subtotal This Page 5,200.98

Total Itemized Receipts for Period	
Total Unitemized Contributions ($50 or less)	
Sale of Political Materials (Unitemized)	
Total Contributions When Contributor Not Known	
TOTAL RECEIPTS THIS PERIOD (to line 2 of Summary)	5,200.98

Complete if last page of schedule

SCHEDULE C
EXPENDITURES AND OTHER DISBURSEMENTS

Osage County Democratic Central Committee
(Name of Candidate, Party Committee or Political Committee)

Date	Name and Address	Purpose of Expenditure or Disbursement	Amount
/12	Sandekers Grocery 106 E. Santa Fe Burlingame, KS 66413	stamps	19.20
/14	Osage County Clerk 717 Topeka Ave Lyndon, KS 66451	reports	27.17
8/19	Masonic Lodge #79 Burlingame, KS 66413	rent for Building for meeting	35.00
/21	Scranton Tavern Scranton, KS 66537	Lunch for Literature drop Volunteers	22.00
/28	Bill & Ellies Quenemo, KS	Lunch for Literature drop volunteers	112.95
/21	Lyndon State Bank Lyndon, KS 66451	Checks	14.75
/7	KS Coordinated Campaign P.O. Box 1914 Topeka, KS	Contribution to Committe	4,750.00
0/9	Capital Journal Topeka, KS	Bags for Lit Drops	20.00
0/12	Haskins Oil Osage City, KS 66523	Gas for Volunteer	10.00
10/12	Scranton Tavern Scranton, KS 66537	Lunch for Literature Drop Volunteers	70.00
Subtotal This Page			

Complete if last page of Schedule	Total Itemized Expenditures This Period	5081.07
	Total Unitemized Expenditures of $50 or less	
	TOTAL EXPENDITURES & OTHER DISBURSEMENTS THIS PERIOD (to line 4 of Summary)	5081.07

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

sas Democratic State Committee

me of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box				Amount of Cash, Check, Loan or Other Receipt
			Cash	Check	Loan	Other	
/10	Cowley County Democrats 917 Main Winfield, KS 67156	County Party		x			4750.00
	Kansas Pipeline Operating Company 8325 Lenexa Dr Ste 400 Shawnee Mission, KS 66214	Pipeline Company		x			5000.00
'15	Sedgwick County Democrats Box 1736 Wichita, 67201	County Party		x			4250.00
'10	Osage County Democrats 213 Chase Burlingame, KS 66413	County Party		x			4750.00
.7	Idaho Democratic Party Box 445 Boise, ID 83701	State Party		x			15000.00
'18	South Carolina Democratic Party Box 5965 Columbia, SC 29250	State Party		x			15000.00
'21	J.M. Limited 1011 E 13th St Wichita, KS 67214	Architects		x			2000.00
'21	Sedgwick County Federated Women's Democratic Club Wichita, KS 67202	Women's Organization		x			200.00
2	Tino Monaldo, Chartered Box 728 Hutchinson, KS 67504	Attorney		x			1000.00
7	Reno County Democrats Hutchinson, KS 67501	County Party		x			4500.00
tal This Page							56450.00

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SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

(Name of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box: Cash	Check	Loan	Other	Amount of Cash, Check, Loan or Other Receipt
9/9/96	[illegible]			✓			10.00
9/9	[illegible]			✓			100.00
	[illegible]			✓			15.00
	[illegible]			✓			5.00
	[illegible]			✓			25.00
9-20	[illegible]			✓			250.00
8-20	[illegible]			✓			10.00
8-22	[illegible]			✓			10.00
10/7	[illegible]			✓			250.00
9/9	[illegible]			✓			50.00
Subtotal This Page							5145.00

Page 1 of 5

10/28/96 10:59 TX/RX NO.3084 P.001

SCHEDULE C
EXPENDITURES AND OTHER DISBURSEMENTS

(Name of Candidate, Party Committee or Political Committee)

Date	Name and Address	Purpose of Expenditure or Disbursement	Amount
8/30	Jessica White	Reimburse for computer paper	10.57
9/13	Southwestern Bell PO Box [illegible] [illegible] 95262	Install [illegible] payment for phone for field coordinator	101.16
[illegible]/8	Ks Coordinated Campaign Com	Donation	4750.00
[illegible]/8	Southwestern Bell PO Box [illegible] [illegible]	[illegible] payment for phone for field coordinator	31.36
[illegible]	Jessica White	Reimburse for supplies of [illegible]	[illegible]
	[illegible] Bank PO Box [illegible] [illegible]	Checking [illegible]	12.80
Subtotal This Page			[illegible]

[illegible]

Page 7 of [illegible]

GALAXIE BUSINESS EQUIP. 316 221 2647 P.01

SCHEDULE A

CONTRIBUTIONS AND OTHER RECEIPTS

nsas Democratic State Committee

ame of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box				Amount of Cash, Check, Loan or Other Receipt
			Cash	Check	Loan	Other	
0/10	Cowley County Democrats 917 Main Winfield, KS 67156	County Party		x			4750.00
2	Kansas Pipeline Operating Company 8325 Lenexa Dr Ste 400 Shawnee Mission, KS 66214	Pipeline Company		x			5000.00
/15	Sedgwick County Democrats Box 1736 Wichita, 67201	County Party		x			4250.00
/10	Osage County Democrats 213 Chase Burlingame, KS 66413	County Party		x			4750.00
17	Idaho Democratic Party Box 445 Boise, ID 83701	State Party		x			15000.00
/18	South Carolina Democratic Party Box 5965 Columbia, SC 29250	State Party		x			15000.00
/21	J.M. Limited 1011 E 13th St Wichita, KS 67214	Architects		x			2000.00
/21	Sedgwick County Federated Women's Democratic Club Wichita, KS 67202	Women's Organization		x			200.00
2	Tino Monaldo, Chartered Box 728 Hutchinson, KS 67504	Attorney		x			1000.00
7	Reno County Democrats Hutchinson, KS 67501	County Party		x			4500.00
otal This Page							56450.00

302

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

Leavenworth County Democrat Central Committee
(Name of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box: Cash	Check	Loan	Other	Amount of Cash, Check, Loan or Other Receipt
12/9/96	186 Contributions at $10 each - Fundraiser			✓			1860 00
12/14/96	Membership Dues @ $10			✓			383 00
12/3/96	~~Congressional~~ Democratic Congressional Campaign Committee ~~Federal Fundraiser~~	430 S. Capitol St SE Washington D.C. 20003					5000 00
							7243 00 ~~[illegible]~~
Subtotal This Page							~~[illegible]~~

Complete if last page of schedule			
	Total Itemized Receipts for Period	7243 00	~~[illegible]~~
	Total Unitemized Contributions ($50 or less)		
	Sale of Political Materials (Unitemized)		29 00
	Total Contributions When Contributor Not Known		
	TOTAL RECEIPTS THIS PERIOD (to line 2 of Summary)		~~[illegible]~~ 7272 00

SCHEDULE C
EXPENDITURES AND OTHER DISBURSEMENTS

Leavenworth Co. Democrat Central Committee

Name of Candidate, Party Committee or Political Committee)

Date	Name and Address	Purpose of Expenditure or Disbursement	Amount
9/18/96	Guy Danilowitz 321 Arch Leavenworth Ks	lights bulbs	13 31
9/30/96	Guy Danilowitz 321 Arch Leavenworth Ks	Clinton Pins	2763
10/1/96	Jean Lonergan 947 Sherman Ave Leavenworth Ks 66048	Cake / Ballroms	6249
10/8/96	Penney Lonergan 736 Seneca Leavenworth Ks 66048	food for Opening Headquarters	3738
10/10/96	POB 1914 Ks Democrat Party KS-CO Orginized Campaign Topeka, KS 66601	get out Vote activities field organizers	4500 00
10/10/96	Susie Palmer PO Box 427. Longmont	Clinton Pins	55 95
10/13/96	Southwestern Bell Topeka Ks.	Phone expense	2647

Subtotal This Page 4723 23

Complete if last page of Schedule		
	Total Itemized Expenditures This Period	4723 23
	Total Unitemized Expenditures of $50 or less	11.76
	TOTAL EXPENDITURES & OTHER DISBURSEMENTS THIS PERIOD (to line 4 of Summary)	~~4723 23~~ 4734.99

1999

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

nsas Democratic State Committee
me of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box				Amount of Cash, Check, Loan or Other Receipt
			Cash	Check	Loan	Other	
/4	Maine Democratic Party 12 Spruce St Augusta, ME 04332	State Party				x	15000.00
/15	Leavenworth County Democrats Leavenworth, KS 66048	County Party		x			4500.00
/18	Lawrence O'Brien 1350 Eye St Apt 690 Washington, DC 20005	Attorney		x			1000.00
11	W.W. O'Bryan & Co., Inc. Box 100 Hepler, KS 66746			x			100.00
/15	Owen for District Attorney 320 Stockade Lawrence, KS 66049	Campaign Committee		x			50.00
	P.A.C.E. Engineering, Inc. 15 E 5th St Ste 1921 Tulsa, OK 74103	Engineering Firm		x			1500.00
7	Parrish Management Corporation 700 SW Jackson Ste 200 Topeka, KS 66603	Property Management		x			250.00
7	First Rule Properties Box 5318 Topeka, KS 66605	Real Estate Development		x			500.00
7	Eighth & Jackson Investment Group Box 5318 Topeka, KS 66605	Real Estate Development		x			250.00
7	DL Leasing Box 5318 Topeka, KS 66605	Leasing		x			250.00
	ıtal This Page						23400.00

202

2000

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

RSHALL COUNTY DEMOCRATIC CENTRAL COMMITTEE
ıe of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box: Cash	Check	Loan	Other	Amount of Cash, Check, Loan or Other Receipt
4-96	Democratic Congressional Campaign Committee Non-Federal Acct.#1 430 S. Capitol St.SE Washington,D.C.20003			x			$5000.00
8-96	Raymond J. Ring 1585 Hwy. 9 Frankfort,Ks. 66427	Farmer--Retired		x			$100.00
btotal This Page							$5100.00

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	Total Itemized Receipts for Period	$5100.00
	Total Unitemized Contributions ($50 or less)	$20.00
	Sale of Political Materials (Unitemized)	none
	Total Contributions When Contributor Not Known	none
	TOTAL RECEIPTS THIS PERIOD (to line 2 of Summary)	$5120.00

2001

SCHEDULE C
EXPENDITURES AND OTHER DISBURSEMENTS

ARSHALL COUNTY DEMOCRATIC CENTRAL COMMITTEE
Name of Candidate, Party Committee or Political Committee)

Date	Name and Address	Purpose of Expenditure or Disbursement	Amount
10-9-96	Kansas Coordinated Campaign C Attn. Tom Beall P.O.Box 1914 Topeka, Ks. 66601	Donation	$4750.00
Subtotal This Page			$4750.00

Complete if last page of Schedule	Total Itemized Expenditures This Period	$4750.00
	Total Unitemized Expenditures of $50 or less	$9.28
	TOTAL EXPENDITURES & OTHER DISBURSEMENTS THIS PERIOD (to line 4 of Summary)	$4759.28

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

ansas Democratic State Committee
ame of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box: Cash Check	Loan	Other	Amount of Cash, Check, Loan or Other Receipt
0/15	Kramer International, Inc. Box 04576 Milwaukee, WI 53204	Foundry		x		1000.00
/20	Western Landscape, Inc. Box 128 St. Paul, KS 66771	Construction		x		500.00
0/4	Colorado Democratic Party 770 Grant St Ste 200 Denver, CO 80203	State Party			x	14990.00
0/7 0/10	Shawnee County Democratic Party Box 1436 Topeka, KS 66601	County Party		x x		4500.00 3500.00
0/7	Georgia Democratic Party 1100 Spring St Ste 420 Atlanta, GA 30309	State Party		x		15000.00
0/10	Marshall County Democrats Marysville, KS 66508	County Party		x		4750.00
0/16	Louisiana Democratic Party Box 4385 Baton Rouge, LA 70821	State Party		x		15000.00
/27	Florida Democratic Party 214 S Bronough Tallagassee, FL 32301	State Party			x	15000.00
/30	Nebraska Democratic Party 715 S 14th Lincoln, NE 68508	State Party			x	14990.00
/4	Sheet Metal Workers Local #2 LAC 2902 Blue Ridge Blvd Kansas City, MO 64129	Sheet Metal Workers		x		250.00
otal This Page						89480.00

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2003

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

WEST COUNTY DEMOCRAT CENTRAL COMMITTEE
ıe of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box: Cash	Check	Loan	Other	Amount of Cash, Check, Loan or Other Receipt
OCT 3 '96	DEMOCRAT CONGRESS SUPER CAMPAIGN COMMITTEE 420 SO CAPITOL ST WASH DC 20003			✓			5,000.00

btotal This Page 5,000.00

Total Itemized Receipts for Period	5,000.00
Total Unitemized Contributions ($50 or less)	1,443.50
Sale of Political Materials (Unitemized)	
Total Contributions When Contributor Not Known	
TOTAL RECEIPTS THIS PERIOD (to line 2 of Summary)	6,443.50

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SCHEDULE C
EXPENDITURES AND OTHER DISBURSEMENTS

HARVEY COUNTY DEMOCRAT CENTRAL COMMITTE
ame of Candidate, Party Committee or Political Committee)

Date	Name and Address	Purpose of Expenditure or Disbursement	Amount
OCT 10 1996	400 W 13TH NEWTON, KS. 67114 JEFF USHER	CAMPAIGN CONTRIB.	175.00
OCT 10 1996	P.O. 3454 WICHITA, KS 67201-3454 RANDY RATHBUN	CAMPAIGN CONTRIB.	100.00
OCT 10 1996	1205 BOYD NEWTON, KANSAS 67114 CHRISTINE DOWNEY	CAMPAIGN CONTRIB.	450.00
OCT 10 1996	P.O. BOX 358 TOPEKA, KS. 66601 SALLY THOMPSON	CAMPAIGN CONTRIB.	100.00
OCT 10 1996	P.O. 306 WICHITA, KS 67201-0306 JILL DOERING	CAMPAIGN CONTRIB.	100.00
OCT 13 1996	220 MAIN HALSTEAD, KS. 67056 HARVEY COUNTY INDEPENDENT	POLITICAL ADVERTISING	150.00
OCT 13 1996	KANSAS STATE DEMOCRAT COMMITTE TOPEKA, KS.	HARVEY COUNTY DEMOCRAT CENTRAL COMMITTE SUPPORT 1996 NONFEDERAL GENERAL ELECTION ACTIVITIES	4,500.00

Subtotal This Page 5,575.00

Complete if last page of Schedule	Total Itemized Expenditures This Period	7,130.00
	Total Unitemized Expenditures of $50 or less	
	TOTAL EXPENDITURES & OTHER DISBURSEMENTS THIS PERIOD (to line 4 of Summary)	7,130.00

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

Kansas Democratic State Committee

ame of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box				Amount of Cash, Check, Loan or Other Receipt
			Cash	Check	Loan	Other	
8/20	Gallaway for State Representative Box 21 Dwight, KS 66849	Campaign Committee		x			400.00
10/3	Arkansas Democratic Party 1300 W Capitol Little Rock, AR 72201	State Party		x			15000.00
10/16	Geary County Democrats Junction City, KS 66441	County Party		x			250.00
10/10	Kansas Political Action Committee 715 W 10th Topeka, KS 66612	Educators		x			1750.00
27 '45	Harvey County Democrats Box 852 Newton, KS 67114	County Committee		x x			110.00 4500.00
8/20 9/24 9/27 10/2	Senate Victory Fund Box 1811 Topeka, KS 66601	Recognized Party Committee		x x x x			5000.00 5000.00 1893.72 1000.00
10/7 10/15 10/18	Senate Victory Fund Box 1811 Topeka, KS 66601	Recognized Party Committee (For Services)		x x x			ervices 9866.40 Services 8100.00 3033.16
10/2	Democratic Senatorial Campaign Committee Box 1811 Topeka, KS 66601	Senate Democrats		x			800.00
10/10	Riley County Democrats Manhattan, KS 66502	County Party		x			4500.00
8/14	Michael Griesser 12700 Park Central Dr Ste 455 Dallas, TX 75251	Attorney		x			250.00
otal This Page							61453.28

2006

SCHEDULE A
CONTRIBUTIONS AND OTHER RECEIPTS

1mi Co. Democratic Central Committee
ne of Candidate, Party Committee or Political Committee)

Date	Name and Address of Contributor	PAC Affiliation OR Occupation of Individual Giving More Than $150	Check Appropriate Box: Cash	Check	Loan	Other	Amount of Cash, Check, Loan or Other Receipt
1/6/96	Democratic Congressional Campaign Committee 430 S Capitol Street, SE Washington, DC 20003	National Democratic Party		X			5000.00

total This Page 5000.00

Total Itemized Receipts for Period	5000.00
Total Unitemized Contributions ($50 or less)	
Sale of Political Materials (Unitemized)	
Total Contributions When Contributor Not Known	
TOTAL RECEIPTS THIS PERIOD (to line 2 of Summary)	5000.00

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2007

SCHEDULE C
EXPENDITURES AND OTHER DISBURSEMENTS

Miami Co. Democratic Central Committee
(Name of Candidate, Party Committee or Political Committee)

Date	Name and Address	Purpose of Expenditure or Disbursement	Amount
9/17/96	Kansas Democratic Party P.O. Box 1914 Topeka, KS 66601	Donation to State Party	4500.00
Subtotal This Page			4500.00

Complete if last page of Schedule		
	Total Itemized Expenditures This Period	4500.00
	Total Unitemized Expenditures of $50 or less	
	TOTAL EXPENDITURES & OTHER DISBURSEMENTS THIS PERIOD (to line 4 of Summary)	4500.00

MINORITY VIEWS OF HON. HENRY A. WAXMAN, HON. TOM LANTOS, HON. MAJOR R. OWENS, HON. EDOLPHUS TOWNS, HON. PAUL E. KANJORSKI, HON. CAROLYN B. MALONEY, HON. ELEANOR HOLMES NORTON, HON. CHAKA FATTAH, HON. ELIJAH E. CUMMINGS, HON. DENNIS J. KUCINICH, HON. ROD R. BLAGOJEVICH, HON. DANNY K. DAVIS, HON. JOHN F. TIERNEY, HON. JIM TURNER, HON. HAROLD E. FORD, JR., AND HON. JANICE D. SCHAKOWSKY

Over the past 4 years, Representative Dan Burton has waged a vendetta against the Attorney General of the United States. Mr. Burton has accused Attorney General Janet Reno of "deceit"[1] and "corruption."[2] He has called her the President's "chief blocker."[3] He has charged that the Attorney General "eroded the people's respect for the Department of Justice"[4] and established a "legacy" of "incompetence and partisan zeal."[5] He has said that the Attorney General has brought the Justice Department to "shame and disrepute"[6] and has made a "mockery of justice."[7] He also has stated, "When you ask me, do I trust her, I certainly do not."[8]

In August 1998, Mr. Burton and the other Members of the majority even voted to hold the Attorney General in contempt of Congress.

There is a fundamental problem with Mr. Burton's accusations against the Attorney General: they have no basis in fact. Over the course of the committee's investigation, the committee has heard testimony from a dozen Justice Department lawyers and FBI officials who have worked with Attorney General Reno. Several of these individuals, including FBI Director Louis J. Freeh and former Campaign Finance Task Force head Charles G. La Bella, have strongly disagreed with some of the Attorney General's judgments. But not one witness has said that the Attorney General is deceitful, corrupt, or partisan.

Rather, witness after witness has testified—under oath—to the Attorney General's integrity. As Director Freeh testified, "I have stated many times my respect for Attorney General Reno. In the

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[1] Fox, "Fox Special Report with Brit Hume" (Mar. 14, 2000).

[2] Testimony of Representative Dan Burton, House Committee on Rules, Subcommittee on Rules and Organization of the House (July 15, 1999) (available at www.house.gov/reform/oversight/99—07—15db-rules.htm).

[3] Fox, "The Edge with Paula Zahn" (Mar. 14, 2000).

[4] Testimony of Representative Dan Burton, House Committee on Rules, Subcommittee on Rules and Organization of the House (July 15, 1999) (available at www.house.gov/reform/oversight/99—07—15db-rules.htm).

[5] Id.

[6] Id.

[7] NBC, "Meet the Press" (June 11, 2000).

[8] NBC, "Meet the Press" (Aug. 29, 1999).

4¼ years we have worked together, I have seen her bring nothing but integrity and honesty to the table."[9]

The majority's main complaint about the Attorney General boils down to a dispute over conflicting interpretations of the independent counsel statute. The majority believes that the Attorney General was required to appoint an independent counsel to examine campaign finance matters. The Attorney General reached a different conclusion. This type of disagreement over interpreting the law is not unusual. Unfortunately, Mr. Burton seems to take the position that disagreeing with his opinion is evidence of "bad faith" and "corruption."

It is the height of irony that the majority pronounces judgments on the handling of the campaign finance investigation by the Department of Justice given the widespread criticism this committee has received for misconduct in its own campaign finance investigation. The committee's campaign finance investigation has been referred to as a "case study in how not to do a congressional investigation and as a prime example of investigation as farce,"[10] a "parody of a reputable investigation,"[11] and "its own cartoon, a joke, and a deserved embarrassment."[12]

Three years ago, the chief counsel of the committee quit and told Mr. Burton that he had "been unable to implement the standards of professional conduct I have been accustomed to at the U.S. Attorney's office."[13] Two years ago, when Mr. Burton released doctored transcripts of former Associate Attorney General Webster Hubbell's phone conversations, one Republican investigator was quoted saying, "I'm ashamed to be part of something that's so unprofessional."[14] Over the course of the investigation, the majority has gone through four chief counsels and at least three different chief investigators. One former senior Republican investigator said, "Ninety percent of the staff doesn't have a clue as to how to conduct an investigation."[15]

This committee is in no position to criticize the Attorney General—and the majority's report reflects this fact. As will be discussed below, the report is based on unfounded allegations and improperly injects the committee into prosecutorial decisions. The report is also highly partisan.

I. Unfounded Allegations Regarding Attorney General Reno and the Justice Department

Over the last 6 years, the majority has made a series of false allegations of wrongdoing by the Clinton administration. These allegations have included accusations that Deputy White House Counsel Vince Foster was murdered as part of a coverup of the White-

[9] Testimony of FBI Director Louis Freeh, House Committee on Government Reform, hearings on "The Current Implementation of the Independent Counsel Act," 105th Cong., 1st sess., 1128 (Dec. 9–10, 1997) (H. Rept. 105–89).

[10] "House Probe of Campaign Fund-Raising Uncovers Little, Piles Up Partisan Ill Will," Los Angeles Times (May 2, 1998) (quoting Norman Ornstein, a congressional expert at the American Enterprise Institute). This article and other news stories are attached as exhibit 1.

[11] "A House Investigation Travesty," New York Times (Apr. 12, 1997). This editorial is attached with other editorials and commentaries as exhibit 2.

[12] "Mr. Burton Should Step Aside," Washington Post (Mar. 20, 1997).

[13] Letter from John P. Rowley III to Representative Dan Burton (July 1, 1997).

[14] "Burton Tape Fiasco Pitted Panel's Pros Vs. Pols," the Hill (May 13, 1998).

[15] Id.

water land deal; that the White House intentionally maintained an "enemies list" of sensitive FBI files; that the IRS targeted the President's enemies for tax audits; that the White House may have been involved in "selling or giving information to the Chinese in exchange for political contributions"; that the White House "altered" videotapes of White House coffees to conceal wrongdoing; that the Clinton administration sold burial plots in Arlington National Cemetery; and that problems with the White House e-mail archiving system are "the most significant obstruction of Congressional investigations in U.S. history" and "reach much further" than Watergate.

As documented in a staff report recently released by Representative Henry A. Waxman, these allegations have proven to be unsubstantiated.[16] According to Al Hunt of the Wall Street Journal, "the accusations have a common denominator: They are blatantly false."[17]

Attorney General Janet Reno and the Department of Justice have been frequent targets of these false allegations. Further, in its efforts to suggest wrongdoing on the part of the Justice Department, the majority has unfairly smeared numerous individuals along the way. The major allegations that have been leveled against the Department and others over the last few years and in the majority's report—and the actual facts as established in the record before the committee—are described below.

- *Allegation: Attorney General Reno has been "blatantly protecting the President, the Vice President and their party from the outset of this scandal"*[18] *and "the record clearly shows that this Justice Department has bent over backwards to avoid investigating the President, the Vice President and other senior White House officials."*[19] *It is "evident to anyone who's been closely involved in this that she's blocking for the president."*[20] *It is "hard to escape the conclusion that the Attorney General has acted politically to benefit the President, the Vice President, and her own political party."*[21]

The Facts: Mr. Burton's allegations have been repeatedly refuted by sworn statements before this committee and other committees from, among others, FBI Director Louis Freeh and Charles La Bella, the former head of the Campaign Finance Task Force. Although Mr. Freeh and Mr. La Bella disagreed with Attorney General Reno's decision regarding appointing an independent counsel for campaign finance issues, they repeatedly affirmed their belief in the Attorney General's integrity and denied that she acted to protect the President or others or to impede their investigation.

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[16] Minority Staff Report, "Unsubstantiated Allegations of Wrongdoing Involving the Clinton Administration" (October 2000) (attached as exhibit 3).

[17] "Congress Forfeits Its Role," Wall Street Journal (Sept. 21, 2000).

[18] Press release, House Committee on Government Reform (May 19, 2000).

[19] Statement of Representative Dan Burton, House Committee on Government Reform, "Has the Department of Justice Given Preferential Treatment to the President and Vice President?," 106th Cong., 6 (July 20, 2000) (stenographic record) (hereinafter "July 20 hearing").

[20] Representative Dan Burton appearing on Fox, "Hannity & Colmes" (Aug. 3, 1999).

[21] House Committee on Government Reform, majority report entitled, "Janet Reno's Stewardship of the Justice Department: A Failure to Serve the Ends of Justice," i (hereinafter "majority report").

For example, Mr. La Bella stated, "My perception is [the Attorney General] made no decisions to protect anyone." [22] He also said:

> The Attorney General and the Deputy Attorney General have fully supported the Task Force, and I have every confidence in the way they are handling the matter. They are committed to a vigorous investigation and prosecution of all campaign finance matters and have told me to pursue the evidence wherever it leads. That is what I have done and what I expect the Task Force to continue to do.[23]

According to Mr. La Bella, "when you jump to the conclusion that this is corruption, I think you're making an incredible leap." [24]

Similarly, Mr. Freeh stated:

> I have tremendous respect for our Attorney General. . . . I do not believe for one moment that any of her decisions, but particularly her decisions in this matter, have been motivated by anything other than the facts and the law which she is obligated to follow. If I thought anything differently, I would not be sitting here today as the FBI Director. I think in all of the matters that I have dealt with her, and this is over 5 years, you get to know a person pretty well. She has always brought honesty and integrity to the table.[25]

Mr. Freeh's and Mr. La Bella's views about the Attorney General have been echoed by other senior FBI and Justice Department officials appearing before our committee. William J. Esposito, former Deputy FBI Director, testified, "My dealings with the Attorney General [were] quite extensive, especially in my last year in the FBI. I found her to be a person of high integrity, a person who would do the right thing." [26] He further stated that "in all matters that I've dealt with her on, she acted very even-handedly." [27] Neil Gallagher, Assistant FBI Director for Terrorism, stated, "I have the highest respect for the Attorney General. I have dealt with her on many issues, and I have no reason to question her at all." [28] And Robert Conrad, a career prosecutor who has been chief of the Campaign Finance Task Force since January 2000, told our committee that "my experience has been that I have had a fair hearing from her on issues that I have brought before her and my expectation would be that I would have a fair hearing on any recommendations in the future." [29]

In total, the committee heard testimony from 12 senior Justice Department lawyers and FBI officials who worked with the Attor-

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[22] Testimony of Charles La Bella, Senate Committee on the Judiciary Subcommittee on Administrative Oversight and the Courts, "Hearing on 1996 Campaign Finance Irregularities" (May 2, 2000).

[23] Statement of Charles La Bella (May 3, 1998).

[24] Fox, "Hannity & Colmes" (Mar. 13, 2000).

[25] Testimony of Louis J. Freeh, House Committee on Government Reform, hearing on "The Need for an Independent Counsel in the Campaign Finance Investigation," 105th Cong., 71 (Aug. 4, 1998) (hereinafter "August 4 hearing").

[26] Testimony of William J. Esposito, House Committee on Government Reform, "The Justice Department's Implementation of the Independent Counsel Act," 106th Cong., 73–74 (June 6, 2000) (stenographic record) (hereinafter "June 6 hearing").

[27] Testimony of William J. Esposito, June 6 hearing at 80.

[28] Testimony of Neil Gallagher, June 6 hearing at 129.

[29] Testimony of Robert J. Conrad, July 20 hearing at 55.

ney General on the campaign finance investigation and other matters.[30] Although several of these witnesses disagreed with the Attorney General's judgment, not one witness questioned her motives or integrity.

- *Allegation: The Attorney General misapplied the independent counsel statute to protect the White House. "Janet Reno has defied the spirit and the letter of the independent counsel statute . . . Her investigation has become a sham,"[31] and "the Attorney General placed politics over impartial enforcement of the laws."[32] "Reno engaged in a creative analysis of the law in what appeared to be an effort to avoid the implementation of the Independent Counsel Act."[33] "The Attorney General was able to avoid the appointment of an independent counsel through a disregard of the law and a narrow view of the evidence."[34]*

The Facts: Attorney General Reno has appointed more independent counsels than any of her predecessors. Since enactment of the independent counsel statute in 1978, 20 independent counsels have been appointed. Seven of those appointments were made at the request of Attorney General Reno.[35]

Representative Burton relies on memos written by Mr. Freeh and Mr. La Bella as evidence that the Attorney General misapplied the Independent Counsel Act. These memos recommended the appointment of an independent counsel. However, Mr. Burton dismisses and overlooks other memos provided to the committee which recommended against the appointment of an independent counsel or which took issue with recommendations in the Freeh and La Bella memos.[36] The record shows that the Attorney General solicited and received conflicting advice from a number of advisors.

The record also shows that the conflicting advice was rendered in good faith. Mr. Freeh and a number of senior Justice Department officials testified that there was nothing unusual in the Attorney General receiving conflicting advice in the course of the campaign finance investigation. Mr. Freeh testified, "I would hope and expect that Attorney Generals, past, present and future, always receive different, good advice. And I think the more divergent it is

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[30] The witnesses were FBI Director Louis Freeh; Charles La Bella, former head of the Justice Department's Campaign Finance Task Force; James DeSarno, former lead FBI agent for the Campaign Finance Task Force; Lee Radek, chief of the Justice Department's Public Integrity Section; William Esposito, former FBI Deputy Director; Neil Gallagher, Assistant Director for Terrorism, FBI; James K. Robinson, Assistant Attorney General; Robert Raben, Assistant Attorney General; Robert Conrad, head of the Justice Department's Campaign Finance Task Force; Alan Gershel, Deputy Assistant Attorney General; John R. Schmidt, former Associate Attorney General; and John Hogan, former chief of staff to Attorney General Reno.

[31] Representative Dan Burton quoted in "Reno Rejection of Ickes Probe Dims GOP Support for Counsel Law," Associated Press (Jan. 30, 1999).

[32] Majority report at 62.

[33] Majority report at 1.

[34] Id.

[35] Those seven independent counsels were: Kenneth Starr (Whitewater, White House Travel Office, FBI files, and Monica Lewinsky); Donald Smaltz (Agriculture Secretary Mike Espy); David Barrett (Housing and Urban Development Secretary Henry Cisneros); Daniel Pearson (Commerce Secretary Ron Brown); Curtis von Kann (Americorps head Eli Segal); Carol Elder Bruce (Interior Secretary Bruce Babbitt); and Ralph Lancaster, Jr. (Labor Secretary Alexis Herman).

[36] See, e.g., memorandum from Public Integrity Section Chief Lee Radek to Assistant Attorney General James K. Robinson (Aug. 5, 1998) (DOJ–FLB–00130 to 00150) (attached as exhibit 4); memorandum from Robert S. Litt to the Attorney General, the Deputy Attorney General, and James K. Robinson, Assistant Attorney General (July 20, 1998) (DOJ–3149 to 3153) (attached as exhibit 5).

at times, the better it is for that Attorney General to make what he or she thinks is the best decision."[37] James Robinson, head of the Justice Department's criminal division, stated that the internal documents released to Congress demonstrated "honest good faith differences of opinion between prosecutors and investigators who are not shy about expressing their views."[38]

In these circumstances, it was the Attorney General's prerogative—and her responsibility—to choose which advice to follow. Not a single witness before the committee suggested that her decision was influenced by favoritism or politics. Rather, as Mr. Robinson testified, the record indicates that the Attorney General made a "good faith effort to reach absolutely the correct view from her vantage point as the decision maker under the Independent Counsel Act."[39]

- *Allegation: Attorney General Janet Reno "changed her interpretation of the Independent Counsel Act" to "set the bar for appointing an independent counsel even higher for the campaign finance investigation than previous investigations."[40] The Attorney General has stated that the discretionary clause of the independent counsel statute requires that she must conclude there is potential for an actual conflict of interest, rather than merely an appearance of a conflict of interest, when she invokes this clause. Yet in "at least four" earlier investigations, she referred matters to an independent counsel under the discretionary clause and applied a standard of "apparent conflict."[41]*

The Facts: The majority is engaging in pure speculation regarding whether the Attorney General based earlier independent counsel referrals on an "apparent conflict" standard in the discretionary clause of the Independent Counsel Act. The referral documents in which the Attorney General described her rationale for these earlier decisions do not support the majority's interpretation.

For example, one of the four examples cited by the majority as an earlier "discretionary clause" referral is the matter involving former Assistant to the President for Management and Administration David Watkins. According to the majority report, this referral was made under the Act's "discretionary provision," as "David Watkins did not satisfy any of the requirements for the mandatory pro-

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[37] Testimony of Louis J. Freeh, August 4 hearing at 93.

[38] Testimony of James Robinson, July 20 hearing at 65. See also testimony of Deputy Assistant Attorney General Alan Gershel, July 20 hearing at 66–67 (noting that "it's certainly very common for prosecutors to engage in good faith discussions, disagreements, debates on the application of the law, the application of the facts, the appropriate way to charge or not charge a case. So it does not strike me as unusual at all"); testimony of Lee Radek, Public Integrity Section Chief of the Department of Justice, Senate Committee on the Judiciary Subcommittee on Administrative Oversight and the Courts, "Hearing on Attorney General's Decisions Regarding Campaign Finance Investigations," 106th Cong. (May 24, 2000) (page numbers not available) (hereinafter "May 24 hearing") (stating that "[i]nternal disagreements among Department of Justice officials about various aspects of the Independent Counsel Act date back to its passage over 20 years ago. What is new is the determination of some to delve into those confidential discussions and disagreements that were intended as an honest and frank exchange of views between the attorney general and her various advisors"); testimony of Lee Radek, June 6 hearing at 31–32 (noting that the style of the Attorney General "has been to seek out the views of a variety of advisors, listen carefully to each of us, consider our arguments, ask her own questions, and then reach her own decisions" and that "[a]ny group of lawyers grappling with complex legal and factual issues are bound to have disagreements, and the issues we faced were both complex and difficult").

[39] Testimony of James Robinson, July 20 hearing at 65.

[40] Majority report at 13–16.

[41] Majority report at 14–16.

vision of the Act."[42] In fact, the specific reason the Attorney General cited for recommending an independent counsel on this matter was that Mr. Watkins *did* fall under the Act's mandatory provision.[43] The Act's discretionary clause was not invoked in the Watkins referral.

Another of the four examples cited by the majority was a referral involving former White House detailee Anthony Marceca.[44] Mr. Marceca's referral concerned allegations that the White House had improperly obtained files from the FBI. According to the majority, the "conflict" at issue in the Marceca referral was based on Mr. Marceca's "relationship with President Clinton or the White House generally."[45] This characterization, however, is inconsistent with the rationale set forth in the Marceca referral. The referral states that an investigation by the Department of Justice would constitute a political conflict of interest "because it necessarily will involve an inquiry into *dealings between the White House and the FBI.*"[46]

Further, with respect to the three referrals cited by the majority which did invoke the discretionary clause, there is simply no discussion of an "apparent conflict" standard anywhere in the referral documents. In these documents, the Attorney General cites "political conflict of interest" as the basis for the decision to refer, and does not discuss whether she perceived an "apparent" as opposed to an "actual" conflict.[47]

- *Allegation: In explaining her view that the Independent Counsel Act's discretionary clause requires a finding of potential for an actual conflict of interest instead of merely an appearance of a conflict, the Attorney General "neglected to mention the report language supporting the idea of an apparent conflict of interest."*[48] *"[T]he Senate Report accompanying the 1982 Amend-*

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[42] Majority report at 15–16.

[43] Notification to the court pursuant to 28 U.S.C. § 592(a)(1) of the initiation of a preliminary investigation and application to the court pursuant to 28 U.S.C. § 593(c)(1) for expansion of the jurisdiction of an independent counsel, in re William David Watkins (D.C. Cir., Mar. 20, 1996). The Independent Counsel Act (which expired in 1999) specified a list of "covered persons" who automatically fall under the Act's mandatory provision. 28 U.S.C. § 591 (a) & (b). In her filing with the court regarding the Watkins investigation, the Attorney General stated, "I have concluded that Watkins is a covered person under the Independent Counsel Act." in re William David Watkins, at 2 (emphasis added). In the filing, the Attorney General reasoned that the Act:

> includes as a covered person, for the entire duration of the incumbency of the President: "the chairman and treasurer of the principal national campaign committee seeking the election or reelection of the President, and any officer of that committee exercising authority at the national level." Watkins was the vice president and secretary of the Clinton/Gore 1992 Campaign Committee, and functioned as the deputy campaign manager for operations. On the basis of an investigation into Watkins' role on the campaign, I am satisfied that Watkins meets the criteria set out by the statute.

Id.

[44] Majority report at 16.

[45] Id.

[46] Notification to the court pursuant to 28 U.S.C. § 592(a)(1) of the initiation of a preliminary investigation and application to the court pursuant to 28 U.S.C. § 593(c)(1) for the expansion of the jurisdiction of an independent counsel, in re Anthony Marceca, 3 (D.C. Cir. June 21, 1996).

[47] Notification to the court pursuant to 28 U.S.C. § 592(a)(1) of the initiation of a preliminary investigation and application to the court pursuant to 28 U.S.C. § 593(c)(1) for the expansion of the jurisdiction of an independent counsel, in re Bernard Nussbaum, 3 (D.C. Cir. Oct. 24, 1996); application to the court pursuant to 28 U.S.C. § 592(c)(1) for the appointment of an independent counsel in re Madison Guaranty Savings & Loan Association, 3–4 (D.C. Cir. July 1, 1994); in re Anthony Marceca, *supra* note 46, at 3.

[48] Majority report at 14–15.

ments to the Act stated '[t]he Committee recognizes that there may be instances when investigations by the Attorney General of persons not covered by the Act may create an actual or apparent conflict of interest.'"[49] *The Attorney General "ha[s] a problem with her interpretation of the Act's legislative history."*[50]

The Facts: The majority's reference to the Senate report is misleading. The report language cited by the majority concerned the discretionary clause provision in the Senate-passed version of the 1982 Amendments to the Independent Counsel Act. The discretionary clause language in the Senate-passed bill authorized appointment of an independent counsel based on an "appearance" of a conflict of interest. That language, however, was deleted before Congress enacted the 1982 amendments into law. In fact, the floor manager of this bill, Representative Sam Hall, specifically noted:

> The Senate-passed bill provides that the Attorney General may apply for the appointment of a special prosecutor to investigate persons other than the class of individuals specifically covered whenever the Attorney General determines a personal, financial, or political conflict of interest or the appearance thereof may result if an officer of the Department of Justice conducts the investigation. *The bill as amended deletes the reference to appearances, and thereby requires the Attorney General to determine that an actual conflict may exist in order to utilize the special prosecutor procedures.*[51]

- *Allegation: The Attorney General intentionally misled the committee about Waco by withholding evidence on the use of "military rounds" of tear gas during the siege of the Branch Davidian compound in Waco, TX. The basis of this allegation was that the Justice Department purportedly didn't produce the 49th page of a memo that was, according to Mr. Burton, "the very definitive piece of paper that could have given us some information."*[52] *Referring to allegations that the Justice Department had withheld Waco-related information from Congress, Representative Burton also stated that the Attorney General "should be summarily removed, either because she's incompetent, number one, or, number two, she's blocking for the President and covering things up, which is what I believe."*[53]

The Facts: At the time Mr. Burton made these statements, evidence produced by the Justice Department regarding the use of

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[49] Id. at 15.
[50] Id.
[51] Congressional Record, H9507 (Dec. 13, 1982) (emphasis added). The majority also faults the Attorney General for citing "negative legislative history" by drawing inferences regarding congressional intent from the fact that Congress rejected language. The majority is apparently concerned that in 1997 testimony, the Attorney General noted that Congress in 1994 decided to reject a proposal for a more flexible standard for invoking the discretionary clause. Majority report at 14–15. This criticism ignores the fact that the Attorney General does not rely purely on "negative legislative history" in discussing her interpretation of the Act's discretionary clause. For example, as the majority report acknowledges in a footnote, the Attorney General also relies on the floor statement of Representative Hall that explicitly described why Congress deleted the "appearance" language from the discretionary clause. E.g., letter from Attorney General Janet Reno to Senator Orrin G. Hatch, 3 (Apr. 14, 1997) (DOJ–02046 to 02055) (attached as exhibit 6).
[52] Fox News, "Fox News Sunday" (Sept. 12, 1999).
[53] National Public Radio, "Morning Edition" (Aug. 31, 1999).

"military rounds" of tear gas was *in his own files*—and had been since 1995. The Office of Special Counsel John Danforth investigated this issue, and concluded:

> [W]hile one copy of the report did not contain the 49th page, the Committees [the House Government Reform and Oversight Committee and the House Judiciary Committee] were provided with at least two copies of the lab report in 1995 which did contain the 49th page. The Office of Special Counsel easily located these complete copies of the lab report at the Committees' offices when it reviewed the Committees' copy of the 1995 Department of Justice production. The Department of Justice document production to the Committees also included several other documents that referred to the use of the military tear gas rounds, including the criminal team's witness summary chart and interview notes.[54]

- *Allegation: The Attorney General has "a double standard for Republicans and Democrats," and "Republicans who break the law get the book thrown at them, Democrats who break the law get off with a slap on the wrist."[55] "[A]s far as the equal application of justice, it doesn't appear to me that there has been an equal application of justice by this Justice Department."[56] "When Democrats do get convicted, they get very light sentences. When Republicans get convicted of the same conduct, they're given massive fines."[57] The Attorney General's conduct reflects "uneven enforcement of the law."[58]*

The Facts: The majority's statements ignore the fact that Democrats have received harsh fines for campaign finance offenses. For example, in December 1998, Future Tech International Inc. and its chief financial officer, Juan Ortiz, were fined $1 million for reimbursing employees for their campaign contributions to Democratic campaigns. The Federal Election Commission also imposed a $209,000 civil penalty—the fourth largest in FEC history—on Future Tech and several company officials.

In addition to receiving fines, Democrats have also served actual jail time for their offenses, unlike their Republican counterparts:

- In December 1999, Yogesh Gandhi was sentenced to 1 year in prison and ordered to pay more than $237,000 in back taxes to the IRS for tax evasion, mail fraud, and helping to make an illegal $325,000 campaign contribution to the Democratic National Committee.
- In September 1997, Democratic party fundraisers Gene and Nora Lum were sentenced to 10 months in custody, half in a community confinement center, the other half in home de-

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[54] John C. Danforth, Special Counsel, "Interim Report to the Deputy Attorney General Concerning the 1993 Confrontation at the Mt. Carmel Complex, Waco, Texas," 54 (July 21, 2000).
[55] Press release, House Committee on Government Reform (Nov. 1, 1999).
[56] Statement of Representative Dan Burton, House Committee on Government Reform, hearing on "The Role of John Huang and the Riady Family in Political Fundraising," 106th Cong. (Dec. 15, 1999).
[57] Statement of Representative Dan Burton, House Committee on Government Reform, hearing on "The Role Of Yah Lin 'Charlie' Trie in Illegal Political Fundraising," 106th Cong. (Mar. 1, 2000).
[58] Majority report at 109.

tention. Each also received $30,000 in fines and 2 years of probation for arranging about $50,000 in illegal contributions in 1994 and 1995.

- In 1996, Jack Webb and Jeffress Wells, two former officials of the U.S. Department of Agriculture, were sentenced to 30 days in jail, 2 years of supervised probation, and 120 hours of community service and given a $2,500 fine for conspiring to raise contributions for a PAC from coworkers and subordinates. Mr. Wells and Mr. Webb were both active Democrats, the persons solicited were Democrats, and the PAC supported the Clinton campaign.

Representative Burton's allegation of favoritism also conveniently overlooks the fact that Attorney General Reno has not initiated prosecutions against prominent Republicans involved in alleged campaign finance violations. For example, no action has been taken against former Republican National Committee Chairman Haley Barbour, who formed the National Policy Forum (NPF) and was alleged to have solicited and secured a $2.1 million loan from a foreign national for the NPF which he funneled into the RNC. According to Charles La Bella, the former head of the Campaign Finance Task Force:

> For its part the RNC, while apparently not on a par with the DNC, had its fair share of abuses. The Barbour matter is a good example of the type of disingenuous fundraising and loan transactions that were the hallmark of the 1996 election cycle. In fact, Barbour's position as head of the RNC and NPF—and the liberties he took in those positions—makes the one $2 million transaction even more offensive than some concocted by the DNC. Indeed, with one $2 million transaction, the RNC accomplished what it took the DNC over 100 White House coffees to accomplish.[59]

Similarly, no action has been taken against Republican Majority Whip Tom DeLay, despite specific and credible evidence that Mr. DeLay and a Republican congressional candidate, Brian Babin, knowingly participated in a scheme to funnel illegal contributions to Mr. Babin's campaign.[60] The evidence relating to Mr. DeLay includes a sworn affidavit from Texan businessman and Republican donor Peter Cloeren stating that Mr. DeLay instructed him to funnel money illegally to Mr. Babin's campaign.[61]

The validity of Mr. Burton's allegation can be tested by comparing the treatment received by two former Members of Congress who committed campaign finance violations, former Republican Representative Jay Kim and former Democratic Representative Mary Rose Oakar. Representative Kim knowingly accepted $230,000 in illegal contributions—over 14 times the amount of money that Representative Oakar conspired to contribute illegally

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[59] Interim report from Charles La Bella and James DeSarno for Attorney General Janet Reno and FBI Director Louis J. Freeh, 83 (July 16, 1998) (DOJ–FLB–00030 to 00127).

[60] House Committee on Government Reform and Oversight, "Investigation of Political Fundraising Improprieties and Possible Violations of Law," 105th Cong., 2d sess., vol. 4, at 4020–24 (Nov. 5, 1998) (H. Rept. 105–829).

[61] Affidavit of Peter F. Cloeren, House Committee on Government Reform and Oversight (Aug. 6, 1998).

($16,000). But Representative Kim received a comparable sentence to Representative Oakar.[62]

- *Allegation: The Attorney General delayed releasing the Freeh and La Bella memos in order to protect herself from public embarrassment. "By withholding the memos from this Committee, you tried to keep the Committee from learning how you had mishandled the investigation."[63] Furthermore, "when the Justice Department finally turned the documents over to the Committee, it was clear that the Justice Department's objections had been utterly false and baseless."[64]*

The Facts: The Attorney General's reluctance to produce the Freeh and La Bella memos was consistent with the longstanding departmental policy against releasing internal memoranda concerning ongoing investigations to Congress.[65] Both Mr. Freeh and Mr. La Bella stated on numerous occasions that public release of their memoranda would jeopardize the Task Force's investigations and have a "chilling effect" on pending prosecutions.

For example, Attorney General Reno and Director Freeh warned in a December 8, 1997, letter to Representative Burton that release of the Freeh memo would provide a "road map" of their investigation.[66] In his testimony before the committee on August 4, 1998, Director Freeh was asked whether he thought Congress should receive his memorandum. Director Freeh replied that "I certainly believe it not prudent to receive it at this point."[67] Mr. La Bella stated at the same hearing:

> The last thing in the world that I want to see as the prosecutor heading this Task Force is that this memo ever get disclosed. . . . I don't think it should ever see the light of day, because this, in my judgment, would be devastating to the investigations that the men and women of the Task Force are working on right now and that I have put my blood, sweat and tears into, and I don't want to see that jeopardized.[68]

Despite these well-founded reservations, the Attorney General made significant efforts to accommodate the committee. In early 1998, the Justice Department provided a briefing to the chairman, ranking member, and certain staff of the committee on redacted portions of the Freeh memorandum.[69] In late 1998, the Justice Department provided a briefing to the chairman, ranking member,

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[62] In March 1998, Representative Kim was sentenced to 2 months home confinement under electronic monitoring, 1 year of probation, and 200 hours of community service, and received a $5,000 fine. According to prosecutors, his case represented "the largest amount of criminal campaign finance violations ever committed by a member of Congress." "Former Rep. Kim, Convicted in 1997, May Run Again," Los Angeles Times (Dec. 4, 1999). Representative Oakar received a sentence of 2 years' probation and 200 hours of community service, and a $32,000 fine.

[63] Letter from Representative Dan Burton to Attorney General Janet Reno (Mar. 10, 2000).

[64] Majority report at 128.

[65] E.g., Charles J. Cooper, "Response to Congressional Requests for Information Regarding Decisions Made Under the Independent Counsel Act," 10 Op. O.L.C. (Apr. 28, 1986); see also House Committee on Government Reform and Oversight, "Contempt of Congress," 105th Cong., 2d sess., minority views at 123–25 (Sept. 17, 1998) (H. Rept. 105–728).

[66] Letter from Attorney General Janet Reno and FBI Director Louis J. Freeh to Representative Dan Burton (Dec. 8, 1997).

[67] Testimony of Louis J. Freeh, August 4 hearing at 110.

[68] Testimony of Charles La Bella, August 4 hearing at 110.

[69] See letter from Representative Henry Waxman to Attorney General Janet Reno and FBI Director Louis J. Freeh (Dec. 19, 1997).

and certain staff of the committee on redacted versions of the Freeh and La Bella memoranda, and permitted review of these documents. And in May 2000, after the Department's successful prosecution of individuals mentioned in the memoranda, the Justice Department provided the documents in minimally redacted form to the committee.[70]

- *Allegation: "[W]e have a piece of evidence from the Director of the FBI that makes it abundantly clear that we have been right all along. Janet Reno and Lee Radek have been blatantly protecting the President, the Vice President and their party from the outset of this scandal."*[71] *"Justice Department officials believed that a key supervisor of the campaign finance investigation thought that the Attorney General's political future hinged on her decisions regarding her political superiors."*[72]

The Facts: The majority's evidence is a December 9, 1996, memo from FBI Director Freeh to former Deputy FBI Director Esposito, which stated:

> I also advised the Attorney General of Lee Radek's comment to you that there was a lot of "pressure" on him and [the Public Integrity Section] regarding this case because the "Attorney General's job might hang in the balance" (or words to that effect). I stated that those comments would be enough for me to take him and the Criminal Division off the case completely.[73]

The meaning of Mr. Radek's alleged comment is unclear. The testimony before this committee and a Senate Judiciary subcommittee suggests that the two people who heard Mr. Radek's alleged comment interpreted the comment differently. Mr. Esposito testified that he considered the remark to be "totally inappropriate,"[74] and he evidently communicated his belief to Mr. Freeh. But Neil Gallagher, Assistant FBI Director for Terrorism, testified that he "did not put any great significance" on the statement,[75] and that "the implication that I took was that Lee Radek was making a statement of how sensitive and tough this investigation was going to be that we were about ready to enter."[76]

Mr. Radek is a 29-year career prosecutor who began working for the Justice Department in the Nixon administration and who has never been involved in Democratic party politics.[77] He testified that while he has no recollection of the alleged conversation with Mr. Esposito, he "would undoubtedly, in conversations with Mr. Esposito, talk about pressure on the Public Integrity Section at frequent occasions, whenever he and I would talk" but that "[i]t was

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[70] Mr. La Bella apparently concurred in the Attorney General's decision in May 2000 to release the minimally redacted memoranda to Congress. In December 1999, he stated, "I would think now that the investigations are all concluded, there's a lot—a good portion of the memo that could be made public I think without risk to anybody or anything." Fox, "Hannity and Colmes" (Dec. 29, 1999).

[71] Press release, House Committee on Government Reform (May 19, 2000).

[72] Majority report at v.

[73] Memorandum from FBI Director Louis J. Freeh to Deputy FBI Director William J. Esposito (Dec. 9, 1996).

[74] Testimony of William J. Esposito, June 6 hearing at 119.

[75] Testimony of Neil Gallagher, June 6 hearing at 126.

[76] Testimony of Neil Gallagher, June 6 hearing at 125.

[77] Testimony of Lee Radek, May 24 hearing.

pressure to do the job and do it right."[78] Asked what pressure he got from the Attorney General, Mr. Radek responded that "I got pressure to do a good job and to do it well."[79] As for the Attorney General herself, Mr. Radek said that he was "aware of no pressure being put on her."[80]

- *Allegation: The Vice President "apparently suggested that the DNC issue ads be shown to James Riady."[81] The Justice Department failed to review an incriminating tape of a December 1995 White House coffee which is "evidence that the Vice President knew that those [DNC issue] ads were being paid for by foreign money. That is evidence that the President knew that there was a connection between those ads and Mr. Riady."[82] "I don't think the Justice Department has even looked into this. In five interviews with the Vice President, they didn't ask him a single question about it. I don't think they have even asked to see the original tape."[83]*

The Facts: The videotape in question is of a December 15, 1995, White House coffee attended by Arief Wiriadinata, the son-in-law of Hashim Ning, a business associate of Lippo founder Mochtar Riady. James Riady, Mochtar's son, is suspected of making conduit campaign contributions in the 1992 and 1994 election cycles. According to Representative Burton's description of the videotape:

> Mr. Wiriadinata moves away from the camera and you hear a voice in the background. It sounds very much like the Vice President. It sounds like he is saying, "We oughta, we oughta, we oughta show Mr. Riady the tapes, some of the ad tapes."[84]

According to neutral observers, however, the tape is virtually unintelligible. A Reuters reporter describing the playing of the videotape at the committee's hearing wrote, "Gore's muffled words were not clear."[85] When the tape was played on a Fox TV show, the person in charge of transcribing the show was also unable to make it out. The transcript for the show reads: "We ought to, we ought to show that to [unintelligible] here, let [unintelligible] tapes, some of the ad tapes [unintelligible]."[86]

Furthermore, as the majority is aware, the tape in question was provided to the Justice Department in October 1997.[87] Thus, it is entirely possible that the Department reviewed the tape 3 years ago and came to the same conclusion as other unbiased observers—namely, that the tape is unintelligible.[88]

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[78] Testimony of Lee Radek, May 24 hearing.
[79] Testimony of Lee Radek, May 24 hearing.
[80] Testimony of Lee Radek, May 24 hearing.
[81] Majority report at 65.
[82] Statement of Representative Bob Barr, July 20 hearing at 100.
[83] Statement of Representative Dan Burton, July 20 hearing at 10.
[84] Statement of Representative Dan Burton, July 20 hearing at 9.
[85] "Justice Department Won't Discuss Gore Video," Reuters (July 21, 2000).
[86] Fox, "Hannity and Colmes" (July 19, 2000).
[87] Letter from Beth Nolan, counsel to the President, to James C. Wilson, chief counsel (Sept. 23, 2000) (noting that "in a recent conversation with Lisa Klem of my office you indicated that you knew the Department of Justice had the videotape in October 1997").
[88] The majority also asserts, "The Vice President himself admitted that it was his voice, but deflected questions by saying it was a political attack using news that had been available for years." Majority report at 71 (citing "Congressman Focuses on Gore Videotape Comment," Associated Press (July 19, 2000)). However, the news article the majority cites for this assertion says

- *Allegation: The Justice Department is "more interested in defending the White House in the e-mail matter than investigating it"*[89] *and "it has become known that the one part time lawyer handling the e-mail investigation for the Department has recently left government employment."*[90] *The Department has given the White House "preferential treatment" by failing to investigate whether the e-mail matter involves "obstruction of Congressional investigations of the campaign finance scandal."*[91]

The Facts: The Department's e-mail investigation is being carried out in coordination with Independent Counsel Robert Ray.[92] There is no reason to believe that Mr. Ray and the Justice Department are not pursuing an appropriate investigation.

The report offers no evidence to support its allegation that the Department has relied on one part-time lawyer to handle the e-mail investigation.[93] Asked about this allegation, Attorney General Reno and Deputy Assistant Attorney General Alan Gershel each made clear that they were unable to respond, due to the Department's longstanding policy of not disclosing staffing levels for ongoing investigations.[94] However, the Attorney General assured the committee that "there are sufficient resources committed to it based on the recommendations of the prosecutors involved."[95] Similarly, Mr. Gershel observed:

> the Attorney General regularly consults with Robert Conrad, the chief of the Campaign Financing Task Force, and me to ensure that the Task Force has the resources it needs. Bob and I both believe that the Task Force currently has sufficient staff to handle the White House e-mail matter as well as its other responsibilities.[96]

Mr. Gershel also pointed out that "with respect to the White House e-mail matter the [Department's] Task Force and the office of the independent counsel are working together in a coordinated inves-

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nothing about the Vice President's reaction to, or comments about, the videotape—nor do any of the other articles cited by the majority.

[89] Majority report at vii.

[90] Majority report at vii.

[91] Majority report at vii–viii.

[92] Testimony of Alan Gershel, House Committee on Government Reform, hearing on "Contacts Between Northrop Grumman Corporation and the White House Regarding Missing White House E-Mails," 35 (Sept. 26, 2000) (stenographic record) (hereinafter "September 26 hearing"). Mr. Gershel assured the committee that the Department had not impeded or limited the scope of Mr. Ray's investigation, and the committee has received no information to question this assurance. September 26 hearing at 48.

[93] The majority has repeated this accusation with increasing conviction, despite being unable to cite any evidence to support it. Mr. Burton said in a hearing on September 26 that "*We have heard* from—heard the Task Force was using just one part-time lawyer." Statement of Representative Dan Burton, September 26 hearing at 41 (emphasis added). In its e-mail report, released shortly thereafter, the majority asserted, "*It appears that* for at least part of its e-mail investigation, the Justice Department had only one part-time lawyer assigned to its e-mail investigation." House Committee on Government Reform, "The Failure to Produce White House E-Mails: Threats, Obstruction and Unanswered Questions," 106th Cong., 141 (2000) (stenographic record) (emphasis added). Now, the majority asserts simply that "*it has become known* that the one part time lawyer handling the e-mail investigation for the Department has recently left government employment." Majority report at vii (emphasis added).

[94] Transcript of interview of Attorney General Janet Reno, House Committee on Government Reform, 4 (Oct. 5, 2000) (hereinafter "Attorney General Reno interview"); testimony of Alan Gershel, September 26 hearing at 34–35.

[95] Attorney General Reno interview at 9.

[96] Testimony of Alan Gershel, September 26 hearing at 35.

tigation. So it is not just the Task Force's resources that are involved."[97]

- *Allegation: In July 1999 testimony before the House Rules Committee, Representative Burton claimed that the Government Reform Committee had received information indicating that the Attorney General "personally" changed a policy related to release of information by the Justice Department so that an attorney she knew "could help her client."*[98]

The Facts: Mr. Burton's allegations concerned a decision by the Justice Department to confirm the lack of existence of records in response to a FOIA request by a Miami attorney, Rebekah Poston. This decision to confirm the lack of records was legal,[99] and it was damaging to Ms. Poston's client.[100] The records produced to the committee and testimony by the relevant individuals showed that the Attorney General had recused herself from the decision.[101]

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[97] Testimony of Alan Gershel, September 26 hearing at 35. The majority also asserts that the Department has given the White House "preferential treatment" by failing to investigate whether the e-mail matter involves "obstruction of Congressional investigations of the campaign finance scandal." Majority report at vii. In support of this assertion, the majority claims that "[i]n an October 5, 2000, interview with the Committee, Attorney General Reno made it clear that she would not take proactive steps to determine whether the White House had obstructed Congressional investigations by failing to take steps to produce subpoenaed e-mail records." Majority report at viii.

This assertion is without merit. The interview with the Attorney General included the following exchange:

> Majority Counsel: . . . is the Department of Justice doing an investigation of any sort of matters that go to Congressional investigations?
>
> Attorney General Reno: I will be happy to check and see what I can provide you based on what might be known or any complaint that you have made of obstruction. But I don't know the full range of your investigations, so I can't tell you.

Attorney General Reno interview at 25.

Moreover, in the course of the interview, majority counsel conceded that the Department had asked the majority months ago which congressional subpoenas may not have been complied with—and the majority declined to cooperate with this request:

> Majority Counsel: Mr. Gershel a number of months ago called me directly and said he wanted to interview me specifically to try and determine whether Congressional subpoenas had not been complied with or whether there was obstruction of a Congressional investigation. I said to him at the time I would be happy to comply with his request for an interview pending consultation with my superiors, but first we had the outstanding question of whether there was a special counsel to be appointed. And I indicated that it would perhaps be counterproductive if I did an interview with him when, as Mr. Raben had indicated—actually had not yet indicated, but as indicated by you, there was an ongoing determination as to whether a special counsel would be appointed.

Attorney General Reno interview at 32.

[98] Testimony of Chairman Dan Burton, House Rules Committee (July 15, 1999) (available at www.house.gov/reform/oversight/99—07—15db-rules.htm).

[99] Testimony of Richard Huff, House Government Reform Committee, "Felonies and Favors: A Friend of the Attorney General Gathers Information from the Justice Department," 150 (July 27, 2000) (stenographic record) (hereinafter "July 27 hearing").

[100] Ms. Poston was seeking information for a client, a member of an international religious organization known as Soka Gakkai. Ms. Poston's client had been sued in a Japanese court for libel by a Japanese citizen named Nobuo Abe. The alleged statements at the heart of this lawsuit related to whether Mr. Abe had been arrested or detained in Seattle in 1963. Mr. Abe maintained that he had never been detained and that statements to the contrary made by Ms. Poston's client were defamatory. Ms. Poston's FOIA requests sought records that would have established that her client's statements were true and that Mr. Abe had, in fact, been arrested or detained. E.g., letter from Russell J. Bruemmer and Patrick J. Carome of Wilmer, Cutler & Pickering, to Richard L. Huff (Mar. 31, 1995) (DOJ–02812 to 02817). The Justice Department's confirmation that no such records existed was adverse to the interests of Ms. Poston's client.

[101] Memorandum from Attorney General Janet Reno to staff of the Attorney General (Apr. 28, 1995) (attached as exhibit 7); House Committee on Government Reform, "Felonies and Favors: A Friend of the Attorney General Gathers Information from the Justice Department," July 27 hearing at 154. The majority also alleges that Ms. Poston took "illegal actions" and that she "Request[ed] Her Private Investigators to Break the Law." Majority report at 163, 168. The ma-

- *Allegation: There was an "apparently illegal conduit contribution scheme by the Democratic National Committee to funnel more than a third of a million dollars to the Kansas Democratic party." [102] "The Justice Department failed to pursue the Kansas conduit contribution scheme." [103]*

The Facts: In 1996, Democratic party national committees contributed to Kansas State candidates and county committees, and to Democratic party committees in other States. Some of these candidates, county committees, and State party committees subsequently contributed to the Kansas Democratic party.[104] Media accounts reported concerns that these actions may have constituted illegal circumvention of a Kansas law that caps contributions by national party committees to State party committees and prohibits making contributions in the name of another.[105]

In 1997, State representative Henry Helgerson wrote the bipartisan Kansas Commission on Governmental Standards and Conduct asking for clarification of the Kansas law.[106] The Commission issued an opinion on this matter on September 11, 1997.[107] Under the Commission's opinion, national party committees could contribute to a Kansas State candidate, Kansas county committee, or other State party, and that candidate, county committee, or State party could subsequently contribute to a Kansas State party committee without violating the Kansas statute. A violation would occur only if the national party committees had an understanding with the entity to which they made the contribution that the money was to be contributed to the State party committee.[108]

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jority's allegation appears to be based on the premise that Ms. Poston inappropriately directed her private investigators to access a restricted FBI database. In testimony under oath before this committee, however, Ms. Poston denied asking private investigators to break the law. House Committee on Government Reform, "Felonies and Favors: A Friend of the Attorney General Gathers Information from the Justice Department," July 27 hearing at 63. Richard Lucas, the investigator who received instructions from Ms. Poston on what she wanted investigated, also testified that she did not ask him to access restricted information. Id. at 50, 55–56, 66–67. In fact, contrary to the majority's allegation, no evidence received by the committee demonstrates that Ms. Poston instructed private investigators to break the law.

In its discussion of the Poston matter, the majority report also states that according to Mr. Lucas, Barry Langberg, an attorney for Soka Gakkai, hired Jack Palladino, a private investigator, to look into the issue of whether Mr. Abe was arrested in 1963. The majority report alleges that it is possible that through their actions on this matter, Mr. Palladino and Mr. Langberg "broke the law." Majority report at 162. The committee, however, never interviewed Mr. Palladino or Mr. Langberg. On Oct. 31, 2000, Mr. Langberg wrote the committee to address allegations in the majority report that relate to him. According to Mr. Langberg, the majority's account "contains numerous demonstrable factual errors, and recklessly accuses private individuals of criminal wrongdoing without any pretense of due process or any substantive evidence." He also stated that he has "no personal involvement with the activity criticized in the report." Letter from Barry B. Langberg to Representative Dan Burton and Representative Henry Waxman (Oct. 31, 2000) (attached as exhibit 8).

[102] Majority report at 108.

[103] Id.

[104] E.g., deposition of Jim Lawing, House Committee on Government Reform and Oversight, 22–29 (Feb. 18, 1998).

[105] E.g. "Local Demos Say They Felt Need to Repay State Party: Legality of Transfers Questioned," Winfield Daily Courier (Oct. 9, 1997). The State law provisions at issue are Kan. Stat. Ann. § 25–4153 (1996) and Kan. Stat. Ann. § 25–4154 (1996).

[106] Letter from Henry Helgerson to Carol Williams (Sept. 3, 1997) (attached as exhibit 9). The Commission is charged with administering, interpreting and enforcing the Kansas Campaign Finance Act and laws relating to conflict of interests, financial disclosure and the regulation of lobbying. See the home page of the Commission at www.state.ks.us/public/gsc/.

[107] Kansas Commission on Governmental Standards and Conduct, Opinion No. 1997–45 (Sept. 11, 1997) (attached as exhibit 10).

[108] See id. (stating that there is no violation of the Kansas statute if "A" gives money to "B" and "B" then contributes the money to "C," "so long as there was not an understanding between 'A' and 'B' that the money was to be contributed to 'C' ").

In February 1998, the committee deposed a total of five individuals on this matter, four of whom were Kansas Democratic State legislative candidates in 1996 and one of whom was a Kansas Democratic party official in 1996. All of these individuals received contributions from national Democratic party committees in 1996.[109] All of these individuals also testified that they did not have any understanding with the national committees from which they received contributions that they would contribute that money to the State party.[110]

According to testimony of individuals in committee depositions, the Kansas Commission on Governmental Standards and Conduct also investigated the contributions at issue.[111] While the Commission is prohibited by law from commenting on whether an investigation has been instigated or is ongoing,[112] evidence indicates that the Commission has found no wrongdoing regarding this matter. Under Kansas law, the Commission must hold a hearing if, after investigating, the Commission finds that "probable cause exists for believing the allegations of the complaint," and this hearing must be held no more than 30 days after the finding is made.[113] No such hearing has ever been held on the allegations,[114] which date back to close to 4 years ago. According to the Commission's executive director, the Commission deals with allegations in as timely a manner as possible, and 4 years from the time allegations were first made is outside of the realm of timeliness.[115]

II. The Majority Has Improperly Sought To Inject Politics into Prosecutorial Decisions

Beyond making unsubstantiated allegations, Mr. Burton has repeatedly sought to interject the committee into prosecutorial decisions by the Justice Department. These efforts have conflicted with

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[109] Deposition of Henry Helgerson, House Committee on Government Reform and Oversight, 16 (Feb. 19, 1998); deposition of Jim Lawing, House Committee on Government Reform and Oversight, 12–13, 22–23 (Feb. 18, 1998) (testifying that he received a contribution is from the Democratic Congressional Campaign Committee in his capacity as chairman of the Sedgwick County Democratic Central Committee); deposition of Marge Petty, House Committee on Government Reform and Oversight, 14–18 (Feb. 24, 1998); deposition of Jerald Karr, House Committee on Government Reform and Oversight, 16–17 (Feb. 23, 1998); deposition of Douglas Walker, House Committee on Government Reform and Oversight, 26–29 (Feb. 23, 1998).

[110] Deposition of Henry Helgerson at 57–58; deposition of Jim Lawing at 41–42; deposition of Marge Petty at 14–15, 34–35; deposition of Jerald Karr at 30, 46; deposition of Douglas Walker at 26–27, 40. The majority report emphasizes a Sept. 3, 1996, memo from Tressie Hurley to Kansas State Senate candidate Donald Biggs which notes that the Democratic Senatorial Campaign Committee will contribute $1,000 to Senate campaigns and states, "You may keep $200 but then must turn around and contribute $800 to the Senate Victory Fund." Majority report at 110. According to deposition testimony, however, at the time of this memo, Ms. Hurley was a junior staffer in the office of State Senate Minority Leader Jerald Karr. She was not an employee of any national Democratic party organization or otherwise in a position to act as an agent of such an organization. Deposition of Jerald Karr at 36, 47. The Hurley memo does not therefore demonstrate an agreement between the national Democratic party and Mr. Biggs regarding the national party's contribution to him. Further, the committee never deposed either Ms. Hurley or Mr. Biggs to explore the significance of the memo.

[111] See, e.g., deposition of Jim Lawing at 47–48 (stating that he had given a statement and had provided documents to the Commission on the subject of the funds received from the national Democratic Party); deposition of Douglas Walker at 46 (stating that the Kansas Commission had spoken with him about a lot of the same subjects covered in the Committee's deposition of him).

[112] Kan. Stat. Ann. § 25–4161 (1999).

[113] Id.

[114] Telephone conversation between minority staff and Carol Williams, executive director of the Kansas Commission on Governmental Standards and Conduct (Oct. 30, 2000).

[115] Id.

historical practices grounded in the principle of separation of powers. As former Attorney General Ramsey Clark stated:

> If Constitutional separation of powers, integrity and effectiveness in the execution of the laws and the individual rights of witnesses . . . are to be protected, Congress must let the Attorney General perform the duties of that office without demanding investigative materials, or staff recommendations in an ongoing investigation.[116]

A. THE MAJORITY'S SUBPOENA OF THE FREEH AND LA BELLA MEMORANDA

One example of inappropriate overreaching into prosecutorial decisions was the majority's July 24, 1998, subpoena to the Attorney General for documents authored by FBI Director Louis J. Freeh and former Justice Department Campaign Finance Task Force head Charles G. La Bella. These documents contained prosecution recommendations and other sensitive and detailed information regarding the Justice Department's ongoing campaign finance investigation. Both Mr. Freeh and Mr. La Bella opposed release of the documents.[117] As former Attorney General Nicholas deB. Katzenbach stated, "it is hard to imagine a less appropriate subject for a subpoena or one more calculated to politicize the Department." [118]

The majority's demands ignored a long history of Justice Department precedents.[119] As the following examples demonstrate, Justice Departments under both Republican and Democratic administrations have recognized an important public policy interest in preserving the confidentiality of internal documents relating to open criminal investigations:

- *Franklin Roosevelt administration:* In 1941, a House committee requested all Justice Department investigative materials relating to labor strikes involving naval contractors. Attorney General Robert H. Jackson refused to provide the information, stating: "all investigative reports are confidential documents of the executive department of the Government [and] congressional or public access to them would not be in the public interest." [120]

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[116] Letter from Ramsey Clark to Representative Henry Waxman (Aug. 5, 1998) (attached as exhibit 11).

[117] At the time of the dispute over the documents, Mr. La Bella testified that release of his memo would be "devastating to the investigations that the men and women of the Task Force are working on right now," and Mr. Freeh testified that release of his memo would not be "prudent." Testimony of Charles G. La Bella, August 4 hearing at 110; testimony of Louis J. Freeh, August 4 hearing at 110.

[118] Letter from Nicholas deB. Katzenbach to Representative Henry Waxman (Aug. 5, 1998) (attached as exhibit 12).

[119] The majority report cites a number of precedents in an attempt to support the proposition that subpoenaing the Freeh and La Bella memoranda was appropriate. Majority report at 139–43. The precedents cited by the majority, however, do not resemble the circumstances relating to the Freeh and La Bella memoranda. In particular, none of the precedents involves a congressional attempt to obtain a prosecution memorandum during an open criminal investigation. For example, in the Palmer Raids investigation, the document produced was not a prosecution memorandum but a legal analysis of a trial court opinion, and the trial had ended. With respect to the Teapot Dome scandal, at the time the Justice Department produced documents to Congress, it had finished investigating the matter and had finished considering legal action, and the primary document produced was a report from an accountant, not a prosecution memorandum. For additional discussion of these and the other examples cited in the majority report, see House Committee on Government Reform and Oversight, "Contempt of Congress," 105th Cong., 2d sess., minority views at 136–38 (Sept. 17, 1998).

[120] Opinion of Attorney General Robert H. Jackson (1941).

- *Nixon administration:* In 1969, during a House committee investigation into the My Lai massacre, the Army was asked to provide all materials from its ongoing investigation into the incident. Thomas Kauper, Deputy Assistant Attorney General, rejected the request, stating: "If a congressional committee is fully apprised of all details of an investigation as the investigation proceeds, there is a substantial danger that congressional pressures will influence the course of the investigation." [121]
- *Ford administration:* In 1976, Representative Bella Abzug, who chaired a subcommittee of the Government Operations Committee, requested FBI investigative files concerning domestic intelligence matters. Deputy Attorney General Harold R. Tyler, Jr., refused to provide the information, stating: "if the Department changes its policy and discloses investigative information, we could do serious damage to the Department's ability to prosecute prospective defendants and to the FBI's ability to detect and investigate violations of criminal law." [122]
- *Reagan administration:* In 1986, the Justice Department's Office of Legal Counsel concluded that the Attorney General should not disclose to Congress the contents of a report filed with a court pursuant to the Independent Counsel Act. Assistant Attorney General Charles J. Cooper wrote that "the executive . . . has the exclusive authority to enforce the laws adopted by Congress, and neither the judicial nor legislative branches may directly interfere with the prosecutorial discretion of the Executive Branch by directing the executive to prosecute particular individuals." [123]
- *Bush administration:* In 1989, the Justice Department's Office of Legal Counsel concluded that agency inspectors general were not required to provide information to Congress about open criminal investigations. Assistant Attorney General Douglas W. Kmiec concluded that there was no obligation to provide such information, stating: "the executive branch has generally declined to make any accommodation for congressional committees with respect to open cases: that is, it has consistently refused to provide confidential information." [124]

As summarized by Charles J. Cooper, Assistant Attorney General during the Reagan Administration in a 1986 legal opinion, the policy of not turning over investigative documents:

> was first expressed by President Washington and has been reaffirmed by or on by Presidents Jefferson, Jackson, Lincoln, Theodore Roosevelt, Franklin Roosevelt, and Eisenhower. *No President, to our knowledge, has departed from this position affirming the confidentiality and privileged nature of open law enforcement files.* [125]

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[121] Thomas E. Kauper, "Submission of Open CID Investigation Files" (Dec. 19, 1969).
[122] Letter from Harold R. Tyler, Jr., to Representative Bella Abzug (Feb. 26, 1976).
[123] Charles J. Cooper, "Response to Congressional Requests for Information Regarding Decisions Made Under the Independent Counsel Act," 10 Op. O.L.C. 68 (Apr. 28, 1996).
[124] Douglas W. Kmiec, "Congressional Requests for Information from Inspectors General Concerning Open Criminal Investigations," 13 Op. O.L.C. 93 (Mar. 24, 1989).
[125] Charles J. Cooper, "Response to Congressional Requests for Information Regarding Decisions Made Under the Independent Counsel Act," 10 Op. O.L.C. (Apr. 28, 1986). For additional discussion of precedent on this matter, see House Committee on Government Reform and Over-

Nevertheless, the majority persisted in its demands for the Freeh and La Bella memoranda. In fact, as discussed below, the majority even voted to hold the Attorney General in contempt of Congress in August 1998 after she refrained from appointing an independent counsel and refused to provide the Freeh and La Bella memoranda.[126]

B. THE MAJORITY'S USE OF THE CONTEMPT POWER

Article II of the Constitution vests the power to execute and enforce the laws of the United States in the executive branch. In particular, the courts have long recognized that criminal prosecution is exclusively the province of the executive branch.[127] Nevertheless, Mr. Burton improperly used the Congress' contempt power to coerce the Attorney General to appoint an independent counsel to investigate the President.

In late July 1998, the conflict between Mr. Burton and the Attorney General over the production of the Freeh and La Bella memoranda was reaching its climax. Mr. Burton told the media that he would hold the Attorney General in contempt of Congress if she did not comply with his subpoena to turn over the documents.[128]

In an effort to reach an accommodation with Mr. Burton, the Attorney General and FBI Director Freeh requested a private meeting with Mr. Burton and Ranking Member Waxman.[129] During this meeting on July 31, 1998, Mr. Burton told the Attorney General that he would drop his efforts to seek contempt if she would seek the appointment of an independent counsel. As Mr. Waxman wrote to the Attorney General after the meeting:

> The chairman's remarks were a blatant attempt to influence your decision. You were told that you could avoid being held in contempt of Congress if you acceded to Mr. Burton's demands that you seek appointment of an Independent Counsel. Conditioning a contempt citation on your willingness to appoint an Independent Counsel is clearly coercive.
>
> * * * * *
>
> Mr. Burton's tactics are not subtle. He knows that you cannot turn over the La Bella memorandum. . . . Thus, Mr. Burton is seeking to place you in an untenable posi-

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sight, "Contempt of Congress," 105th Cong., 2d sess., minority views at 123–25 (Sept. 17, 1998) (H. Rept. 105–728).

[126] See House Committee on Government Reform and Oversight, "Contempt of Congress," 105th Cong., 2d sess. (Sept. 17, 1998) (H. Rept. 105–728).

[127] E.g., *Heckler* v. *Chaney,* 470 U.S. 821, 832 (1985).

[128] E.g., "Justice Holds Subpoenaed Memos," Associated Press (July 27, 1998).

[129] This request for a meeting was one of several efforts by the Attorney General to reach an accommodation with the committee. For example, on July 28, 1998, she and FBI Director Freeh wrote Representative Burton offering to provide a confidential briefing on appropriate portions of the La Bella memorandum after the Attorney General had completed her evaluation of Mr. La Bella's recommendation. Letter from Attorney General Janet Reno and FBI Director Louis Freeh to Representative Dan Burton (July 28, 1998) (attached as exhibit 13). On Aug. 4, 1998, the Attorney General reiterated her offer to provide a confidential briefing on appropriate portions of the La Bella memorandum after she had an opportunity to fully review the memorandum, noting that such review should take approximately 3 weeks. Letter from Attorney General Janet Reno to Representative Dan Burton (Aug. 4, 1998) (attached as exhibit 14). Further, on Aug. 6, 1998, the Attorney General contacted Mr. Burton by telephone and said that after she had reviewed the La Bella memorandum, she would be willing to appear before the full committee and, to the extent that it would not prejudice the ongoing criminal investigation, explain Mr. La Bella's legal rationale.

> tion. In effect, he has given you only two choices: (1) become the first Attorney General in history to be held in contempt of Congress because you cannot turn over the La Bella memorandum or (2) appoint the Independent Counsel that he demands.[130]

The chairman's spokesman, Will Dwyer, confirmed Mr. Burton's intent. As reported in the Washington Post on the following day, Mr. Dwyer conceded that "[t]he only one real objective here is getting an independent counsel, as these documents advise her to do. . . . If she follows that advice, there will be no need for the documents." [131]

Attorney General Reno properly resisted these efforts at intimidation. As she explained on August 4: "Chairman Burton told me Friday that if I triggered the appointment of an independent counsel, I would not have to produce the memos. If I give in to that suggestion, then I risk Congress turning all decisions to prosecute into a political football." [132]

By a party-line vote (24 to 19), the committee voted on August 6, 1998, to recommend to the House of Representatives that the Attorney General be cited for contempt of Congress. The majority's actions on this matter were the subject of widespread criticism.[133]

C. SUBPOENAS FOR GRAND JURY MATERIALS

Another example of Mr. Burton's inappropriate intrusion into prosecutorial matters is the majority's efforts to obtain grand jury subpoenas issued by the Justice Department during its campaign finance investigation. To obtain these grand jury materials, the majority issued a subpoena on March 22, 2000, to the Justice Department seeking the grand jury subpoenas issued by the Campaign Finance Task Force to the Executive Office of the President (EOP), the White House, the DNC, and the RNC. The majority also issued a subpoena on March 16, 2000, to the EOP asking for grand jury subpoenas provided or served by the Campaign Finance Task Force from September 1, 1996, to the present.

The Justice Department responded to the majority's subpoena on April 24, stating that it was unable to provide copies of grand jury subpoenas because "[d]isclosure of information as to any subpoena is prohibited by Rule 6(e) of the Federal Rules of Criminal Proce-

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[130] Letter from Representative Henry Waxman to Attorney General Janet Reno (July 31, 1998) (attached as exhibit 15).

[131] "Democrats Say Burton Made Threat Against Reno," Washington Post (Aug. 1, 1998).

[132] Press conference of Attorney General Reno, unofficial transcript (LEXIS, "Scripts") (Aug. 4, 1998).

[133] See "Tell Him No, Ms. Reno," Miami Herald (Aug. 6, 1998) ("Mr. Burton's request is dangerous. It's more than laced with his palpable political motives. Worse, it's also bereft of any sign that he has weighed what these memos, if leaked, could do to the Justice Department's own investigation"); "Give Reno Some Room," St. Petersburg Times (Aug. 6, 1998) ("What is clear is that Burton should wipe away the froth around his mouth and stop demanding information that he has no right to"); "Buck Stops with Reno," Los Angeles Times (Aug. 6, 1998) ("This is a fishing expedition by Chairman Dan Burton . . . The precedent Rep. Burton seeks could make the executive branch a ground for all sorts of witch hunts by those who second-guess motives and judgments of decision-makers"); "Mr. Burton and Ms. Reno," Washington Post (Aug. 7, 1998) ("The House Government Reform and Oversight Committee's vote yesterday to cite the attorney general in contempt of Congress is a dangerous political interference in a law enforcement decision that threatens to undermine the Justice Department's campaign finance investigation . . . Mr. Burton's approach to the matter has been nothing less than thuggish").

dure," which protects the secrecy of grand jury proceedings.[134] Despite the Department's concerns, on August 3, 2000, the majority proceeded to issue subpoenas to the State Department, the Commerce Department, and the DNC asking for grand jury subpoenas issued by the Justice Department's Campaign Finance Task Force. The majority also did not withdraw the subpoena it had issued in March to the EOP.

These attempts to subpoena grand jury subpoenas were improper. They did not recognize longstanding rules that protect the secrecy of grand jury proceedings. According to the U.S. Supreme Court:

> We consistently have recognized that *the proper functioning of our grand jury system depends upon the secrecy of grand jury proceedings.* In particular, we have noted several distinct interests served by safeguarding the confidentiality of grand jury proceedings. First, if preindictment proceedings were made public, many prospective witnesses would be hesitant to come forward voluntarily, knowing that those against whom they testify would be aware of that testimony. Moreover, witnesses who appeared before the grand jury would be less likely to testify fully and frankly, as they would be open to retribution as well as to inducements. There also would be the risk that those about to be indicted would flee, or would try to influence individual grand jurors to vote against indictment. Finally, by preserving the secrecy of the proceedings, we assure that persons who are accused but exonerated by the grand jury will not be held up to public ridicule.[135]

The Justice Department appropriately responded to these subpoenas by expressing its "serious concern about the Committee's recent practice of subpoenaing public and private sector entities to produce copies of grand jury subpoenas." According to the Department:

> the practice of "subpoenaing subpoenas" or otherwise using the congressional subpoena power to shadow the Department's ongoing investigations could undermine effective law enforcement by creating a substantial risk that sensitive and confidential investigative information will be disclosed to targets of investigations and to other persons who might use the information to thwart our law enforcement efforts.[136]

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[134] Letter from Assistant Attorney General Robert Raben to Representative Dan Burton (Apr. 24, 2000).

[135] *Douglas Oil Company of California* v. *Petrol Stops Northwest,* 441 U.S. 211, 218–19 (1979) (citations omitted) (emphasis added). The court further noted that "[o]ne of the several interests promoted by grand jury secrecy is the protection of the innocent accused from disclosure of the accusations made against him before the grand jury." 441 U.S. at 218 (citation omitted).

[136] Letter from Assistant Attorney General Robert Raben to Representative Dan Burton (Sept. 25, 2000) (attached as exhibit 16).

Unfortunately, the majority has failed to withdraw its subpoenas or otherwise respond to the Department's concerns.[137]

III. The Majority's Investigation Has Been Partisan

During the course of the investigation, Mr. Burton has repeatedly alleged that Attorney General Reno's actions are marked by "partisan zeal." The report makes the same findings, stating that "it is hard to escape the conclusion that the Attorney General has acted politically to benefit the President, the Vice President, and her own political party."[138]

As described above, these allegations are unfounded. They are also ironic. The partisanship in this investigation belongs to the committee not the Justice Department. For 4 years, Mr. Burton has conducted a blatantly partisan investigation. In his campaign finance investigation, Mr. Burton has issued over 900 subpoenas, 99 percent of which involved allegations of Democratic abuses. He has also issued over 500 formal requests for documents or information relating to the investigation, over 98 percent of which also involved allegations of Democratic abuses. The committee has deposed or called to testify at hearings over 200 witnesses in connection with campaign fundraising allegations, 99 percent of whom were called to discuss alleged Democratic abuses.

Editorial boards, columnists, and commentators across the country have recognized the partisan nature of the committee's investigation. They have called the investigation a "soap opera,"[139] a "House investigation travesty,"[140] a "sorry partisan spectacle,"[141] and a "witch hunt in the House."[142] In a May 1998 editorial entitled, "The Dan Burton Problem," the New York Times stated: "By now even Representative Dan Burton ought to recognize that he has become an impediment to a serious investigation of the 1996 campaign finance scandals. . . . If the House inquiry is to be responsible, someone else on Mr. Burton's committee should run it."[143] Norman Ornstein, a congressional expert with the American Enterprise Institute, stated, "[F]rom day one, Dan Burton did almost everything he could to destroy any chance that this would be

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[137] The majority report also states, "As of October 10, 2000, the DNC continues to refuse to comply" with the committee's subpoena for grand jury subpoenas. Majority report at v. The majority report fails to recognize, however, the DNC's substantial efforts to accommodate the committee. On Oct. 10, 2000, attorneys for the DNC met with committee staff in an attempt to reach an agreement that balanced the committee's oversight interests and the DNC's interest in protecting the privacy of individuals who had either appeared before or had been investigated by the grand jury. The DNC first offered to make all grand jury subpoenas immediately available to committee staff for inspection, provided that the DNC could redact the names of those who had not been publicly identified with the Campaign Financing Task Force's criminal investigation. In a further attempt to satisfy the majority's concerns, the DNC's attorneys also made another preliminary offer, subject to approval by the DNC. The DNC's attorneys proposed that the majority prepare a list of individuals relevant to the committee's investigation. The DNC attorneys would then compare that list to the grand jury subpoenas and not redact any name that matched, regardless of whether that individual had been publicly identified with the Justice Department's criminal investigation. The majority rejected both offers of accommodation.

[138] Majority report at i.

[139] "Soap Opera," Roll Call (Apr. 27, 1998).

[140] "A House Investigation Travesty," New York Times (Apr. 12, 1997).

[141] "Reno Roast Embarrasses Nobody but Congress," Los Angeles Times (Dec. 10, 1997).

[142] "The Witch Hunt in the House," Albert R. Hunt, Wall Street Journal (Apr. 10, 1997).

[143] "The Dan Burton Problem," New York Times (May 8, 1998). Other editorials include: "Mr. Burton Should Step Aside," Washington Post (Mar. 20, 1997); "Dan Burton Is a Loose Cannon," Hartford Courant (May 5, 1998); "Burton Bumbles in Bad Faith," San Antonio Express-News (May 6, 1998); and "Mistakes Were Made: Burton Inquiry Can't Reach a Credible Conclusion," Sacramento Bee (May 11, 1998).

seen as a bipartisan effort or an attempt to build a factual basis." [144]

In particular, the majority's oversight of the Justice Department's campaign finance investigation has been marked by partisanship. While the Justice Department's investigation is examining allegations relating to both Republicans and Democrats, the majority has focused on obtaining information relating only to the Justice Department's investigation of Democratic abuses.

On April 11, 2000, the majority wrote the Justice Department requesting dozens of interview summaries (known as FBI "302s") relating to Democratic allegations. At a public committee meeting on May 3, 2000, Mr. Waxman requested that Mr. Burton also ask the Justice Department to produce to the committee interview summaries relating to two of the most serious allegations of Republican fundraising improprieties: (1) potential violations involving former Republican National Committee chair Haley Barbour; and (2) potential violations involving Majority Whip Tom DeLay. The request reflected an attempt by Mr. Waxman to bring some balance to the committee's investigation.

At the May 3 hearing, with the vast majority of committee members present, Mr. Burton agreed to subpoena the Justice Department for these materials.[145] Mr. Burton stated, "The subpoena in detail will be issued." [146] Specifically, he said that the subpoena would be for the interview summaries that the minority requested as well as the documents and interview requests of the majority, noting, "That way, everything will be in one subpoena." [147] He further said that the subpoena would specify that "all the documents be given jointly to both the majority and minority staff simultaneously." [148] In response to a question as to whether all the materials subpoenaed had to be produced at once, he said: "It was my understanding that there might be a rolling production of these things," but that the materials would be "given in a timely fashion and in a fair and equitable way." [149]

However, one week later, Representative Burton wrote Representative Waxman and reneged on this commitment.[150] He said that he would *not* issue a subpoena for interview summaries involving Mr. DeLay. He further stated that, with respect to interview summaries concerning Mr. Barbour, he would not issue a subpoena until "the Attorney General has complied with all currently outstanding subpoenas from the Committee." [151] Mr. Burton never issued the subpoena he promised on May 3, 2000.

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[144] "Another Bump In Burton Panel's Road," Washington Post (May 13, 1998).

[145] See House Committee on Government Reform, hearing on "White House E-mails: Mismanagement of Subpoenaed Record," 221–28 (May 3, 2000) (stenographic record).

[146] Id. at 228.

[147] Id. at 225.

[148] Id. at 226.

[149] Id. at 230.

[150] Letter from Representative Dan Burton to Representative Henry Waxman (May 11, 2000) (attached as exhibit 17).

[151] Id. Mr. Burton stated several reasons for changing his commitment, none of which withstands scrutiny. For example, Mr. Burton claimed that Mr. Waxman's request for interview summaries relating to Mr. DeLay was not proper because at the time of the request Mr. Waxman "failed to disclose" that the Democratic Congressional Campaign Committee (DCCC) was filing a lawsuit against Mr. DeLay. Mr. Burton suggested that Mr. Waxman's request had been "part of a larger, coordinated effort driven by the DCCC to pursue politically motivated attacks against the Majority Whip." This charge was categorically untrue. Neither Mr. Waxman nor

Continued

Unfortunately, this partisan conduct has continued. For example, the majority recently subpoenaed the DNC for document requests, subpoenas, and interview requests the DNC received from the Justice Department,[152] but has failed to subpoena the RNC for similar Justice Department requests to the RNC.

IV. ACCOMPLISHMENTS OF THE CAMPAIGN FINANCE TASK FORCE

The Campaign Finance Task Force of the Department of Justice was launched in December 1996. Contrary to the majority's assertions, the Task Force has been effective.

At its height, the Task Force was staffed by 126 people, including 24 attorneys, 67 agents, and 35 support staff.[153] The Justice Department and the FBI estimated that they spent over $31 million on the Task Force through fiscal year 1999 alone.[154] Mr. Freeh testified that he believed that he had all of the necessary resources to conduct the investigation.[155] Mr. Freeh also testified that "the FBI is not being impeded in any way in conducting our investigation" and that the Task Force's "marching orders are to go wherever the evidence leads them."[156] Further, Mr. La Bella said that the Attorney General and the Deputy Attorney General "have told me to pursue the evidence wherever it leads. That is what I have done and what I expect the Task Force to continue to do."[157]

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anyone on his staff involved with the subpoena request had knowledge of the DCCC lawsuit until after the May 3 hearing in which Mr. Waxman made the request. Mr. Burton made this charge without asking either Mr. Waxman or his staff about the matter. See letter from Representative Henry Waxman to Representative Dan Burton (May 12, 2000) (attached as exhibit 18).

Mr. Burton's May 11 letter also stated that with respect to the interview summaries concerning Mr. Barbour, "I agreed to issue a subpoena for the documents you requested, as long as other Justice Department materials already under subpoena are first provided." This statement mischaracterized Mr. Burton's May 3 commitment, in which he agreed to pursue both the majority and minority requests "simultaneously."

In his May 12 letter responding to Mr. Burton, Mr. Waxman noted that Mr. Burton had several options regarding how to proceed with his May 3 commitment:

> First, you could—and should—have honored your commitment and issued the appropriate subpoena.
>
> Second, if you were suspicious of whether there was a connection between the DCCC lawsuit and my request for 302s, you could have asked me personally whether I had been aware of the lawsuit when I made the request or was coordinating with the DCCC on this matter . . . .
>
> Another alternative would have been for you to ask your staff to contact my staff to investigate and discuss your concerns relating to issuing the subpoena. . . .
>
> Alternatively, if you were intent on breaking your commitment regardless of the facts, you could have at least done so in a forthright manner, acknowledging that you had made an agreement you would no longer honor.
>
> Instead, you chose the worst option possible. Without bothering to consult with me, your May 11 letter reneges on your commitment on the basis of untrue allegations that you did not investigate.

Letter from Representative Henry Waxman to Representative Dan Burton (May 12, 2000).

[152] Subpoena duces tecum from Committee on Government Reform to Democratic National Committee (Aug. 3, 2000).

[153] U.S. General Accounting Office, "Campaign Finance Task Force: Problems and Disagreements Initially Hampered Justice's Investigation" (May 2000) (GAO/GGD–00–101BR).

[154] See id.

[155] Testimony of FBI Director Louis Freeh, House Committee on Government Reform, hearings on "The Current Implementation of the Independent Counsel Act," 105th Cong., 1st sess., 1152 (Dec. 9–10, 1997) (H. Rept. 105–89).

[156] Testimony of FBI Director Louis Freeh, House Committee on Government Reform, hearings on "The Current Implementation of the Independent Counsel Act," 105th Cong., 1st sess., 1129 (Dec. 9–10, 1997) (H. Rept. 105–89).

[157] Statement of Charles La Bella (May 3, 1998) (attached as exhibit 19).

The Task Force has achieved important successes. It has prosecuted 25 people.[158] So far 19 individuals and 1 corporation have been convicted.[159]

At bottom, the majority's complaints about Attorney General Janet Reno are based on her failure to initiate legal actions against the President and the Vice President. But her role is not to "get" the President or the Vice President. The Attorney General's responsibility is to follow the evidence where it leads and to apply the law evenhandedly. The record before the Committee indicates that she has fulfilled her responsibility creditably.

HON. HENRY A. WAXMAN.
HON. TOM LANTOS.
HON. MAJOR R. OWENS.
HON. EDOLPHUS TOWNS.
HON. PAUL E. KANJORSKI.
HON. CAROLYN B. MALONEY.
HON. ELEANOR HOLMES NORTON.
HON. CHAKA FATTAH.
HON. ELIJAH E. CUMMINGS.
HON. DENNIS J. KUCINICH.
HON. ROD R. BLAGOJEVICH.
HON. DANNY K. DAVIS.
HON. JOHN F. TIERNEY.
HON. JIM TURNER.
HON. HAROLD E. FORD, JR.
HON. JANICE D. SCHAKOWSKY.

[The exhibits referred to follow:]

[158] "Thai Businesswomen Agree to Plead Guilty to Campaign Financing Charges," U.S. Department of Justice (June 21, 2000) (attached as exhibit 20).
[159] See id.

EXHIBIT 1

1ST STORY of Level 1 printed in FULL format.

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May 2, 1998, Saturday, Home Edition

SECTION: Part A; Page 14; National Desk

LENGTH: 948 words

HEADLINE: NEWS ANALYSIS;
HOUSE PROBE OF CAMPAIGN FUND-RAISING UNCOVERS LITTLE, PILES UP PARTISAN ILL WILL;
CONGRESS: GOP INSULTS, DEMOCRATIC RIDICULE ARE LOW-LIGHTS OF COSTLY INVESTIGATION THAT HAS SPAWNED 600 SUBPOENAS BUT LED MOSTLY TO DEAD ENDS.

BYLINE: MARC LACEY, TIMES STAFF WRITER

DATELINE: WASHINGTON

BODY:

The House probe of campaign fund-raising abuses has degenerated into the congressional equivalent of a roomful of unruly youngsters hurling schoolyard taunts.

It's the Democrats' fault. No, it's the Republicans' fault. Did not! Did so!

The multimillion-dollar investigation is distinguishing itself more for the intensity of its partisan clashes, which have been frequent, than for its revelations, which have been few and far between.

Last week, Democrats on the House Government Reform and Oversight Committee exploded at Chairman Dan Burton's characterization of President Clinton as a "scumbag" and voted against granting immunity to four witnesses Republicans wanted to bring before the panel.

The fight continued this week during testimony from a convicted bank president who was released from prison for the day so that he could explain his connection to $ 50,000 in allegedly illegal Venezuelan contributions made in 1992.

Rep. Henry A. Waxman (D-Los Angeles), tired of seeing the inquiry extend further and further back in time, complained to Burton: "At this rate, Mr. Chairman, it will be sometime in June that I expect we'll be focusing on the 1960 campaign and taking testimony on whether President Kennedy stole the election."

Despite issuing a flurry of 600 subpoenas, committee investigators have largely run into dead end after dead end, the same fate that befell Whitewater sleuths before them. The media have largely moved on, and some Republicans who had regarded the donation scandal as their party's political battering ram now have lost interest in the complicated web of allegations.

"Barring some dramatic change, I think the Burton investigation is going to be remembered as a case study in how not to do a congressional investigation and as a prime example of investigation as farce," said Norman Ornstein, a congressional expert for the American Enterprise Institute, a conservative Washington think tank.

An increasingly frustrated Burton has urged Democrats to reverse themselves and endorse witness immunity when he brings the issue up again next week. To proceed, he needs the support of seven of them.

"If you don't like me, if you don't like my style, that's fine. I accept that," the Indiana Republican said. "But you're not punishing me; you're punishing the American people, who have a right to know."

Still, Democrats show little signs of backing down.

"There's no attempt to find truth here," complained Rep. Thomas M. Barrett (D-Wis.), one of the few lawmakers in either party to even attend this week's daylong hearing. "This is simply an attempt to throw as much mud at the president as possible."

The standoff has prompted House Speaker Newt Gingrich (R-Ga.), who has blasted the White House for obstruction, to propose moving a significant portion of the investigation to another committee. In the House Oversight Committee, headed by Rep. Bill Thomas (R-Bakersfield), Republicans have a two-thirds majority, which would enable them to grant immunity to witnesses without support from Democratic members.

Burton, unable to crack the case of Asian money that flowed into Democratic Party coffers in 1996, has veered off in unexpected directions. He blames the numerous key figures who have snubbed his investigators.

"This committee has run into a stone wall of stalling and obstruction," he said.

To make his point, Burton aides erected a mock stone wall in the committee room last week featuring photographs of various officials who had invoked the 5th Amendment or not cooperated with investigators overseas.

Democrats, eager to needle Burton whenever they can, dismissed the display as something more appropriate for a grade-school classroom.

Gingrich has complained that Waxman and his cohorts have no interest in getting at the truth, contrasting the ranking Democrat's performance with the bipartisanship exhibited by then-congressman Howard H. Baker Jr. during Watergate.

Waxman's sharp rebuttal: He may be no Howard Baker but Burton is no Sam Ervin, the fair-minded Watergate chairman.

Even the price-tag of the investigation is in dispute. Republicans say they have spent somewhere around $ 3 million to date, while Democrats have estimated the real cost as double that.

Los Angeles Times May 2, 1998, Saturday,

Waxman called the probe "the most expensive investigation in congressional history and the one that has produced the least new information," a shot that prompted Republicans to produce records showing that numerous congressional probes have been more expensive than Burton's.

On Thursday, convicted felon Jorge Castro Barredo had a front-row seat for the action.

After Castro Barredo laid out a scheme in which a Miami attorney allegedly arranged $ 50,000 in illegal contributions to the Democrats in 1992, Waxman sought to impeach his truthfulness.

Castro Barredo, serving time in a New York state prison for looting a family-owned bank, acknowledged that he agreed to testify only after Burton agreed to write a letter that would aid him in obtaining a work release.

"It seems to me that this is a very odd hearing to be held," Waxman said.

"When Democrats pooh-pooh this investigation, it bothers me greatly," Burton replied.

The attorney that Castro Barredo blamed, Charles A. Intriago, declined to testify before the panel. Instead, like so many potential witnesses before him, his attorney sent a letter denying the allegations and lamenting the fact that Intriago had been "unwillingly drawn into a nasty and vindictive political conflict."

As with most committee discussions, the matter remained unresolved as Castro Barredo was escorted by U.S. marshals back to the comparative calm of prison.

LANGUAGE: English

LOAD-DATE: May 2, 1998

Burton tape fiasco pitted panel's pros vs. pols

By Jock Friedly

At its heart, the fiasco over the release of tapes of Webster Hubbell's prison phone calls by Rep. Dan Burton's (R-Ind.) campaign finance probe highlights the sharp divisions that have plagued the House inquiry from the outset.



David Bossie

On the one hand are the political operatives like Oversight Coordinator David Bossie — workaholic, Burton loyalist, savvy media handler, anti-Clinton zealot and 32-year-old volunteer firefighter from Burtonsville, Md.

They have often found themselves at odds with the professional investigators and trained prosecutors on the staff of the Government Reform and Oversight Committee.

The dispute pitted those who favored building a strong case in the hearing room vs. those who tried their case in the media; those whose approach was methodical vs. those who wanted a more scattershot probe; and those who sought a clear organizational structure vs. those who were more freewheeling.

Political hands, for example, had recommended releasing transcripts of all the tapes of convicted Justice Department official Webster Hubbell's conversations, committee sources said. The professionals were dead set against a general release.

In the end, a compromise was reached in which part of the transcripts were released. Ironically, it was this compromise that gave Democrats a wedge to charge that the Republicans had doctored the tapes, leading to Bossie's forced resignation last week.

■ CONTINUED ON PAGE 45

Burton tape fiasco pitted panel's pros vs. pols

■ CONTINUED FROM PAGE 1

While Bossie has been a source of friction between the two camps, his announced departure also seems to have inflamed some tensions.

Some aides have looked on with astonishment in the days following the forced resignation of Bossie, who has remained in his office — talking with reporters, meeting with staff and reading files almost as if nothing had happened. On Tuesday, nearly a full week after Speaker Newt Gingrich (R-Ga.) reportedly ordered his ouster, Bossie still maintained his office and had not yet moved his belongings.

Bossie loyalists have continued to assist him, despite his departure from the committee. One committee investigator and friend, Kristi Remington, even accompanied him as he visited in the studio of ABC's "This Week," where he appeared on Sunday morning's broadcast. Remington was shown on camera outside the studio holding Bossie's cellular phone and a briefing book with red tabs marking important pages.

Chief Counsel Richard Bennett, who has run the investigation since last September and has avoided being identified in either the political or professional camp, described Bossie's lingering as routine, saying there was no need for him to be rushed in packing his things.

The political aides, led by Bossie and Chief Investigative Counsel Barbara Comstock, a close ally of his, recommended the release of full transcripts of the tapes.

Meanwhile, professional investigators and prosecutors, whose position was advanced by Bennett, feared that the release of the tapes would be an abuse of the committee's power. The Privacy Act makes it a crime for executive branch officials to release such conversations to all but Congress, which exempted itself from the law.

Overruling his chief counsel and siding with the political aides, Burton ordered that the tapes be released. But in an olive branch to the professionals, the chairman acquiesced to Bennett's desire to have the tapes edited to remove conversations that would constitute an unwarranted intrusion on Hubbell's private conversations.

Bossie and Comstock assigned two committee attorneys fresh out of law school to the tape transcription task. According to witnesses, they did not use official transcription equipment that would have made their jobs easier. Committee aides acknowledge that at least two important transcription errors were made in the process.

A third — and ultimately more damaging — error was made in the editing process, aides acknowledge. A conversation exculpatory to first lady Hillary Clinton was also removed.

Many expected to see Dick Bennett in charge

Aides say the editing was a Bossie and Comstock joint project. "Dave and Barbara were the editors of this transcript," said one source.

Neither could be reached for comment. At deadline time, Bossie had not returned a phone call and Comstock was on her way back from a trip to France.

Republican committee aides differed as to how the mistaken transcript was made. "I don't believe he did it intentionally," Bennett said in an interview. "I believe there was a good-faith effort to accurately edit the tapes."

Another who sides with the professionals said, "I have a hard time believing that this was done by accident."

The first public signs of the rift between political aides and professional investigators occurred last July when Chief Counsel John Rowley resigned, causing three others to leave as well. In his letter to Burton explaining his action, Rowley, a former assistant U.S. attorney, cited Bossie's "unrelenting self-promoting actions."

People close to Rowley described extreme philosophical differences with Bossie, and those differences were also apparent in Bossie's relationships with other professional prosecutors and investigators.

While Rowley tried to be a methodical investigator, Bossie branched out in a hundred directions at once hoping to hit paydirt somewhere. Whereas Rowley insisted upon a firm organizational structure for the probe, Bossie liked things fluid and seemed to answer only to Burton. While Rowley was satisfied with developing a strong hearing record, Bossie worried most about having a strong media strategy, and, according to numerous committee aides, constantly leaked materials to reporters.

So tied was Bossie to reporters that committee aides said he carried two cellular phones with him at all times. Though Bossie was reprimanded for leaking confidential documents early in the investigation, he has always denied leaking, even to fellow investigators who know otherwise. "He would expect for you to believe that he never talked to the press," a GOP colleague said. But "I know that both Barbara and Dave talk to the press all the time."

When Dick Bennett arrived in September, many expected to see a change. "Bennett clearly thought, 'I'm in control now,'" said a friend. Quickly, though, he found his power diminished by the drive, institutional knowledge, and political access of Bossie and Comstock. "I think Bennett in the end has succumbed to Bossie," the friend said.

"The people who are in charge of this committee are Dave Bossie and Barbara Comstock — period," lamented one Republican aide. "Dick Bennett is at best a figurehead of some kind. Almost immediately, Dick Bennett learned that Dan Burton would take sides with Bossie, always. To see a former U.S. attorney who's 50-something years old kowtow to a 32-year-old man who's a fireman, that hurts."

Bennett friend Bob Rohrbaugh downplayed any rifts, saying he did not see any while he served as former senior investigative counsel for the committee. "I'm sure the whole matter with Mr. Rowley ... left a bad taste in people's mouths," he said. But when he came on board in September with Bennett, "I didn't see really the tensions that I expected to see."

Others like Charles Little, a seasoned investigator for the IRS who joined the committee last July, saw the relentless self-promotion of which Rowley warned. He left the committee last fall after only several months. "I knew it wasn't going anywhere," he said.

"Ninety percent of the staff doesn't have a clue as to how to conduct an investigation," he complained. "Ninety percent."

Little said he received a stack of paper when he first arrived and asked committee aides for an overview of the evidence that they were pursuing. Instead of depositions and documents, the papers consisted primarily of press clippings.

"The committee totally operates by the spin placed by the papers the day before," he said. "They reacted within 24 hours of any press article."

"There's no plan," confirmed one remaining committee aide. "I have to underscore that. There's no plan."

Professional investigators also complain that political aides have siphoned off committee talent and resources on projects that do not always have a clear connection to the investigation of campaign finance abuses, such as to assemble feminist viewpoints of alleged sexual harassment in the White House and to catalog all statements critical of the White House by former presidential adviser Dick Morris.

Most committee investigators interviewed said they believe that, despite momentary lapses, the overall investigation has been well-run and highly professional. But they also have to confront lingering doubts even among Republican investigators, one of whom confided this week, "I'm ashamed to be part of something that's so unprofessional."

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Wednesday, May 13, 1998

A Section

Another Bump in Burton Panel's Road; Against Bitter Backdrop of Incivility, Chairman Again Will Seek Immunity for Witnesses

Edward Walsh
Washington Post Staff Writer

If Rep. Dan Burton's Government Reform and Oversight Committee implodes in a storm of angry rhetoric and finger-pointing today, it will surprise no one who has followed its strange course for the last year.

The remarkable level of partisan bitterness and incivility that has defined the House investigation of campaign finance abuses from the beginning will come to a head as Burton (R-Ind.) tries for a second time to win immunity grants for four witnesses, an effort that the committee's united bloc of Democrats prevented last month. Another "no" vote will force Republicans to move a part of the investigation to a different committee.

The bickering could spill into the full House as well, if Democrats proceed with their threat to force a vote on removing Burton from the chairmanship as early as today -- and Republicans retaliate.

The uproar, which further blunts any attempt to unearth details of the campaign scandal, is seen by many as the inevitable outcome of an ill-cast investigation. According to interviews with sources in both parties, the moribund committee has been hampered from the outset by Burton's intent to dominate the proceedings -- and willingness to play into the hands of Democrats eager to portray the probe as a partisan witch hunt. Divisions within the committee's GOP staff caused delay and a lack of focus.

"There were a lot of self-inflicted wounds," said a Republican source who asked not to be identified.

"They made it easy because you can see they don't know what they're doing and then all you do is document it," said Phil Schiliro, chief aide to Rep. Henry A. Waxman (Calif.), the committee's ranking

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Democrat.

Also crippling any effort at fact-finding was the refusal of more than 90 witnesses to testify, either by invoking a Fifth Amendment right against self-incrimination or by leaving the country -- a point that Burton focused on when he took to the House floor yesterday afternoon to urge Democrats to allow the investigation to proceed.

"This committee has been subjected to a level of stonewalling and obstruction that has never been seen by a congressional investigation," Burton said. "The fact that all these people have invoked their Fifth Amendment right to avoid self-incrimination is a pretty strong indication that a lot of crimes were committed."

Directing most of his fire at the White House and the Democratic National Committee, he gave a point-by-point chronicle of actions that he said have stalled the investigation.

Speaking for the Democrats, Waxman said they would be willing to grant immunity if House Speaker Newt Gingrich (R-Ga.) agreed to remove Burton as chairman and change the rules of the committee to afford the minority more input into the process.

"What we want is a real investigation, a legitimate investigation, not one which is a one-man show," Waxman told reporters. "The last time we voted for immunity we were burned."

Adding to what Democrats have said is a pervasive mistrust of their Republican colleagues was the presence in the committee offices yesterday of David Bossie, Burton's chief investigator, who announced his resignation last week over his role in releasing edited transcripts of audio tapes of Webster L. Hubbell. Bossie continues to receive phone calls and faxes at the panel's offices in the Rayburn House Office Building, and has no specified date of departure. He was unavailable for comment yesterday because he was heading into a staff meeting.

Whatever the outcome of these two showdowns, they underscore how little progress has been made in an investigation that began more than a year ago and has cost several million dollars. During that time, the House committee has held only 16 days of public hearings, several of which were not directly related to campaign fund-raising abuses. It has also produced little information beyond what was disclosed during a similar investigation by the Senate Governmental Affairs Committee last year.

The immediate cause of the current furor surrounding the

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investigation was the release by Burton and his staff of edited transcripts of the prison telephone conversations of Hubbell, the former associate attorney general. But according to Democrats and Republicans familiar with the investigation, the problems began long before the Hubbell tapes controversy.

Before Hubbell there was Burton's statement to an Indianapolis newspaper that President Clinton is a "scumbag" and "that's why I'm after him." The "scumbag" remark got the most attention, but it was the "I'm after him" declaration that most appalled Republicans involved in the investigation.

"There's not a judge or a prosecutor in America who talks about being after somebody," said one.

Partisanship was always going to be a part of an investigation that Republicans hoped would uncover misdeeds and even illegalities by Democrats during the 1996 election cycle and Democrats hoped would expose the GOP as guilty of the same. Partisanship also plagued the Senate investigation, which several times bogged down in public displays of senatorial bickering.

In Waxman, the Republicans faced an experienced legislative infighter. But even some Republicans now concede that Burton miscalculated when he adopted partisan rules -- for example, giving himself unilateral authority to issue subpoenas and release confidential information without a committee vote.

"I don't think Burton realized the implications of his position," said one Republican. "It's like he can't help himself. His attitude is, 'I'm going to run the show, I'm not going to let anybody dictate to me.' "

Steve Ryan, a former Democratic counsel for the Senate Governmental Affairs Committee who teaches a course on congressional investigations at Georgetown Law School, said Burton "forgot the first rule of a congressional investigation: You don't necessarily have to be fair, but you have to appear to be fair."

Norman Ornstein, a resident scholar at the American Enterprise Institute, said that Sen. Fred D. Thompson (R-Tenn.), who headed the Senate investigation, "tried manfully from the beginning to build bipartisan consensus," although not always with success. In contrast, Ornstein said, "from day one, Dan Burton did almost everything he could to destroy any chance that this would be seen as a bipartisan effort or an attempt to build a factual basis."

Kevin Binger, Burton's chief of staff, disputed the assessment

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that the House committee has done little. "We have accomplished more than people think," he said, citing the panel's four days of hearings into the Interior Department's controversial rejection of an application for an Indian gambling casino in Hudson, Wis. Those hearings, while much more extensive than the Senate's, also failed to establish a solid link between the furious lobbying surrounding the casino application and the Interior Department's ultimate decision.

Binger also defended the rules that Burton adopted, noting that Rep. Lee H. Hamilton (D-Ind.) also enjoyed unilateral authority to issue subpoenas during an earlier congressional investigation. Binger said Hamilton never had to use this rare authority because "he did not face a White House that stalls and stonewalls or confront 90 witnesses who have either taken the Fifth Amendment or fled the country."

Whatever the reasons, it was the committee's most partisan members -- led by Burton on one side and Waxman on the other -- who came to dominate its public sessions. Democrats were equally vitriolic in their comments, with a low point coming when Rep. Tom Lantos (D-Calif.) chastised a witness, independent counsel Donald C. Smaltz, for failing to mention that he was a registered Republican. Lantos shocked his colleagues by comparing Smaltz to Kurt Waldheim, who "conveniently forgot several years when hewas a Nazi."

Republican moderates such as Rep. Constance A. Morella (Md.) for the most part found other things to do. Meanwhile, moderate and conservative Democrats such as Rep. Gary A. Condit (Calif.) closed ranks with their liberal colleagues on the immunity issue.

"If they [Republicans] needed our votes, you'd think they would find some middle ground," Condit said. "It was almost like they didn't give two hoots. We were looking for some sign of cooperation that we're in this together."

These public disputes were matched, according to committee sources, by internal divisions within the Republican staff. Referring to the faction led by David Bossie, a Republican veteran of the Senate campaign fund-raising investigation said, "I think there are more people over there [the House] who have an extreme anti-Clinton agenda that may not be helpful and may cloud the issues."

The infighting, which resulted in the departure of several experienced prosecutors, meant that when Burton became impatient to hold public hearings in the fall, "they were nowhere near ready," one source said. When hearings did begin in October, they lurched with no apparent theme or focus. "The tendency was to jump from one hot topic to the other to get on television," the source said.

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More recently, the House investigation has focused on the question of foreign campaign contributions, although its most recent public hearings have concerned obscure cases dating from the 1992 and 1994 campaigns that attracted scant attention.

Staff writers George Lardner Jr. and Juliet Eilperin contributed to this report.

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CAPTION: Rep. Dan Burton (R-Ind.) on his way from the House floor after delivering a speech in which he defended his handling of the campaign finance probe.

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THE WASHINGTON POST

A10 SATURDAY, AUGUST 1, 1998

Democrats Say Burton Made Threat Against Reno

Chairman Presses for Outside Finance Probe

By ROBERTO SURO
Washington Post Staff Writer

Democrats yesterday accused Rep. Dan Burton (R-Ind.), chairman of the House Government Reform and Oversight Committee, of threatening Attorney General Janet Reno with contempt of Congress if she does not seek an independent counsel in the campaign finance investigation.

Defying a committee subpoena, Reno has refused to turn over documents related to the investigation. At a meeting with the attorney general yesterday, Burton said he planned to seek a contempt citation against her from the House when it reconvenes after summer recess in September, according to congressional aides of both parties.

However, Burton said he would drop the whole matter if Reno would agree to seek an independent counsel before then, the aides said.

In a letter sent last night to Reno, Rep. Henry A. Waxman (D.-Calif.), who attended the meeting, said: "It is obviously inappropriate—and at a minimum a clear violation of the House ethics rules—for a member of Congress to seek to coerce an executive branch official to reach a predetermined conclusion on a discretionary matter. But that is exactly what happened today."

A senior Justice Department official depicted Burton's statements as "an unprecedented display of political tampering with law enforcement."

Denying that Burton was threatening the attorney general, Will Dwyer, the committee spokesman, said: "Congressman Burton is not trying to dictate a decision by the attorney general. He is just trying to get her to produce subpoenaed documents according to lawful procedures."

Dwyer said "the only one real objective here is getting an independent counsel, as these documents advise her to do. . . . If she follows that advice, there will be no need for the documents."

Burton's committee has subpoenaed two internal Justice Department documents recommending that Reno seek an independent counsel. But Reno and FBI Director Louis J. Freeh, who also attended the meeting yesterday, have repeatedly insisted that turning over the memos would damage the ongoing investigation into fund-raising by the 1996 Clinton-Gore campaign.

The subpoenaed documents are a memo from Freeh to Reno last November and another delivered to her two weeks ago by the outgoing chief prosecutor of the Justice Department's campaign finance task force, Charles G. LaBella. Both documents advise Reno that there is sufficient evidence of illegal fund-raising in the 1996 Clinton-Gore reelection effort that the law requires her to seek an independent counsel, according to officials familiar with the memos.

Reno rejected Freeh's suggestion last December, and she told Burton yesterday that she is still reviewing LaBella's recommendations.

Although he has previously threatened Reno with contempt over the subpoenaed documents, Burton for the first time yesterday explicitly linked the threat to Reno's pending decision on the independent counsel matter, congressional and administration officials said.

"As far as I am concerned, this discussion constitutes an effort to extort a specific decision from the attorney general that is absolutely wrong and an abuse of power," Waxman said in an interview.

At yesterday's meeting, Burton told Reno and Freeh that he had the support of the Republican leadership to seek contempt against her, according to participants. However, leadership aides said that while he has backing for his efforts to subpoena the documents, the GOP leadership is far from concluding that it is willing to seek a contempt citation against Reno.

Officials said Burton rejected a proposal by Reno and Freeh to conduct closed briefings on the contents of the memos to Burton and members of the committee.

Sen. Don Nickles (R-Okla.), the majority whip, said in a speech on the Senate floor yesterday: "If Attorney General Reno does not appoint a special counsel under the independent counsel statute to investigate campaign abuses by this administration, I think she should resign."

Responding to Nickles's remarks, Justice Department spokesman Myron Marlin said, "It has long been a bipartisan principle that political pressure has no place in law enforcement decisions."

Staff writer Juliet Eilperin contributed to this report.

EXHIBIT 2

A26 THURSDAY, MARCH 20, 1997 THE WAS

The Washington Post

AN INDEPENDENT NEWSPAPER

Mr. Burton Should Step Aside

REP. DAN Burton can no longer credibly serve as chairman of the House investigation of Clinton administration fund-raising in last year's campaign. Mr. Burton should acknowledge as much and step aside. If he won't, his party's leadership should take the initiative to remove him. The investigation, about some parts of which there already are serious disputes, otherwise runs the risk of becoming its own cartoon, a joke and a deserved embarrassment.

Mr. Burton is reliably reported to have engaged in fund-raising practices that match in egregiousness the ones for which the administration is to be investigated. He used his seat as a senior member of the House International Relations Committee to help raise money from U.S. ethnic groups over whose native countries or brethren abroad he wielded great potential influence. At one point in the last campaign, he is said to have gone so far as to complain to the Pakistani ambassador here that a U.S. lobbyist for that country had failed to raise sufficient campaign money for him. An aide to then-Prime Minister Benazir Bhutto sent a fax to the lobbyist, a former Democratic National Committee and Carter administration official, saying: "We were distressed to know from the embassy that Congressman Dan Burton says that you were unable to keep certain promises regarding fundraising for his relection campaign and . . . were . . . unhelpful in other matters. . . . This is most upsetting as he is a good friend of Pakistan."

Mr. Burton says he is the victim of an attempted Democratic smear—no doubt of that—that he did ask the lobbyist to help raise "legal contributions" and did later "express his disappointment" with the lobbyist in a conversation with the ambassador "in an offhand way," but that was all. But that's the outline of enough. The Clinton campaign is rightly being investigated in part for the money it raised from people with ties abroad. Among the questions is whether foreign governments were seeking to buy particular policies or influence with U.S. policymakers. There has been no shortage of indignation in Congress and elsewhere about that possibility, and it could be serious if true. There needs to be a forceful inquiry. Mr. Burton seems to us, by his own practices, to have forfeited the right to lead it. If there were credible testimony that, say, Vice President Gore had made a complaint to a foreign government of the sort ascribed to Mr. Burton, we have no doubt the congressman would be at the head of the line denouncing Mr. Gore's behavior. He would be right to do so, and by that same standard he needs now to withdraw.

The House had been scheduled to vote today on the budget for the fund-raising inquiry. That vote should be postponed until this and other questions on the nature of the inquiry are resolved. The budget would be the largest ever for a House committee, and there continue to be disputes about both the scope of the investigation and the power to issue subpoenas and make public sensitive information, which Mr. Burton says should be his alone.

But none of the power in this should be his. There ought to be a tough and authoritative investigation of how money was raised in the last campaign. Mr. Burton is not the person to conduct it.

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Thursday, April 10, 1997

Politics & People: The Witch Hunt in the House
By Albert R. Hunt

Rep. Dan Burton can be an engaging fellow. Overcoming a poor childhood with an abusive father, he's a plain-speaking, conservative Republican congressman.

But the 58-year-old Indianan is ill-suited to his current task: To lead a House investigation into campaign-financing misdeeds by President Bill Clinton. Mr. Burton espouses fringe views and theories; he also has poor judgment and an erratic staff. And he is embroiled in his own campaign-financing scandal, which could prove dreadfully serious.

The House Government Reform and Oversight Committee will vote today on the nature and scope of these hearings. The Republican leadership has two objectives: To cut up the president and to avoid anything that might bring pressure to change the sordid campaign-financing system that's so advantageous to incumbents. Many at the White House, meanwhile, privately relish Mr. Burton's role, figuring it will discredit serious inquiry into some outrageous conduct.

The biggest losers will be taxpayers. The Burton-led circus, which could cost between $6 million and $12 million, will overlap the more substantive Senate hearings. "My goal is not to get Bill Clinton," Mr. Burton insists in an interview. But he quickly adds that he possesses information that "strongly indicates illegal activity took place."

If Sen. Fred Thompson, who heads the Senate inquiry, makes that assertion, take notice. But it is hard to take Rep. Burton seriously given his background. He is obsessed with the late White House lawyer Vince Foster's suicide; he once even conducted a mock shooting in his backyard in hopes of proving that Mr. Foster was murdered. Although Whitewater independent counsel Kenneth Starr is expected soon to join all other relevant law enforcement authorities in concluding that Mr. Foster committed suicide, Mr. Burton says he still doesn't believe it. A few years ago the same Mr. Burton advocated mandatory AIDS testing of every American.

He also has little regard for fairness. The blizzard of allegations he's leveled include charges that the White House is employing "hard drug users," but he's never substantiated that. The more than 100 subpoenas that he has issued include one for all visitors to the residential portion of the White House since 1993; what's he going to do with all of Chelsea Clinton's friends?

Mr. Burton's staff is worse, particularly David Bossie, a 31-year-old wacko who once helped write a book entitled "Slick Willie: Why Americans Cannot Trust Bill Clinton." A few months ago Mr. Bossie duplicitously obtained a Democratic fund-raiser's phone logs from another House committee and leaked them.

Chairman Burton insists he was outraged and will fire Mr. Bossie if he does this again; few take this seriously. This wild-eyed conspiratorialist -- "Ollie North without the judgment," in the words of one participant -- inflames all of Mr. Burton's already incendiary instincts. (Rep. Burton seeks to downplay Mr. Bossie's clout, citing his "influential" committee counsel -- but then forgets his last name.)

Republican members, ranging from moderate Rep. Chris Shays to conservative Rep. Mark Sanford, say the inquiry must include congressional fund-raising abuses to avoid becoming a partisan witch hunt. Chairman Burton and the GOP leadership are adamantly against this.

Such an inquiry not only would deflect from the get-Clinton plan but also could be exceedingly embarrassing. In addition to the many House fund-raising scams, Mr. Burton has his own problems. The most serious involve foreign-policy related contributions, the sort that are at the core of the most significant charges against the Clinton campaign.

Mr. Burton has parlayed his position on the House International Relations Committee to rake in big campaign contributions even though he has a safe seat, winning 75% of the vote last November. While championing their causes he has raised money from Puerto Rican-Americans, Cuban-Americans and most successfully from Sikhs, Kashmiris and Pakistanis in this country who like his anti-India and pro-Pakistan positions.

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Mark Siegel, formerly the top lobbyist for the government of Pakistan, charges that Mr. Burton shook him down for contributions last year. When he didn't deliver enough, says Mr. Siegel, a longtime Democratic Party activist, the Indiana lawmaker threatened him, even complaining to the Pakistani ambassador.

Mr. Burton has called Mr. Siegel a "liar," and charges that this "is a transparent attempt by the Democrats to stop my investigation . . . I will not back down one foot." Yet the FBI is investigating and a grand jury has already convened.

The evidence that Mr. Siegel offers is compelling. Documents from last July show that a top aide to then-Prime Minister Benazir Bhutto faxed Mr. Siegel that her government "is distressed" to learn that he was unable to keep "certain promises regarding fund-raising" to Mr. Burton and therefore is "no longer 'persona grata' [sic]" in the congressman's office. That conforms to a conversation that Siegel associate Brian Sailer says he had with Mr. Burton about that time in which the Indiana congressman railed about Mr. Siegel not delivering enough money; therefore, Mr. Sailer says, the congressman declared Mr. Siegel "persona non gratis [sic]."

Mr. Siegel, in a memo to Islamabad written July 25, 1996 -- months before any of the Clinton fund-raising scandals arose and before Mr. Burton ascended to the chairmanship of the Government Reform and Oversight Committee -- laid out the case of Mr. Burton's shakedown that he is now apparently telling the grand jury. Moreover, three other lobbyists who worked with Mr. Siegel, including Mr. Sailer, a Republican, tell the same story, and presumably will do so before the grand jury.

Mr. Burton's version -- on the advice of counsel he now refuses to elaborate -- doesn't hold up. On occasion he has dismissed the notion that he sought fund-raising help from the Pakistani lobbyists. Yet in 1995 Mr. Siegel actually signed a $500 contribution from a pro-Pakistani group. Under other questioning, Mr. Burton has admitted that he mentioned "in an offhand" manner to the Pakistani ambassador that Mr. Siegel had failed to deliver on fund- raising promises. The most plausible explanation for this admission -- the frank Mr. Burton does little in an "offhand" way -- is that he wanted to punish Mr. Siegel by costing him his job.

The Hobbs Act explicitly prohibits congressmen from extorting lobbyists and others for campaign contributions. Although rarely invoked, Stanley Brand, an expert on this law and a counsel to many Democrats, says of the allegations against Mr. Burton: "On its face this is a very heavy one."

And Republican Rep. Shays acknowledges, "If this isn't resolved soon, it's going to cause serious problems for this committee." Even if Mr. Burton steps down or is forced out, this ill-advised -- and costly -- investigative escapade should be curtailed. Otherwise taxpayers will be treated to a multimillion dollar travesty that would make the late Joe McCarthy proud.

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A House Investigation Travesty

House Republicans moved sensibly this week to expand the scope of the House investigation of campaign fund-raising abuses beyond Clinton campaign excesses to include Republican abuses as well — only to retreat the very next day. The inexcusable turnaround, a scandal by itself, now poses the prospect of an expensive and stridently partisan House inquiry. It will be an embarrassing contrast to the more promising bipartisan inquiry now getting under way in the Senate under Fred Thompson.

There is no justification for the timid race from principle by Representatives Christopher Shays, Constance Morella and other moderate Republicans on the Government Reform and Oversight Committee. They at first pushed for a more evenhanded investigation but ultimately acquiesced to House rejection of the Senate's sound procedural safeguards and broad mandate to scrutinize Presidential and Congressional fund-raising abuses in both parties.

Beyond the procedural issues, an even more basic problem looms over the House inquiry. That is the unfitness of the committee's chairman, Representative Dan Burton of Indiana, to conduct a sensitive ethics investigation.

A Federal grand jury is now weighing charges by a former American lobbyist for the Government of Pakistan that appear to implicate Mr. Burton in a shakedown for campaign contributions not dissimilar to the sort he would be looking into as committee chairman. Mr. Burton himself has admitted that he spoke to the Pakistani Ambassador when the lobbyist failed to deliver on his fund-raising pledge, lending credence to the possibility that his actions violated the Federal Hobbs Act, which prohibits lawmakers from extorting lobbyists and others for campaign money.

There is also the matter of Mr. Burton's January golf outing. After unsuccessfully soliciting invitations on several occasions from the AT&T Corporation to play in a tournament it sponsors in California, Mr. Burton finally wangled one. The outing took place three weeks after he assumed the helm of the House committee that oversees the agency that awards government telephone and telecommunications contracts worth billions of dollars. His acceptance of a prized golf invitation flouted House gift rules designed to curb corrupting largess to lawmakers.

Other incidents raise questions about Mr. Burton's judgment. Several years ago he advocated testing every American for the AIDS virus, a foolish and destructive enterprise on both health and privacy grounds. His odd obsession with the suicide of Vincent Foster led him to stage a mock shooting in his backyard trying to prove that the White House lawyer had been murdered. His dubious choice for chief investigator in the campaign finance inquiry is David Bossie, a 31-year-old non-lawyer who has spent much of his professional life zealously working to discredit President Clinton. So much for balance.

All of this argues strongly against giving Mr. Burton the unilateral authority to issue subpoenas and release confidential information for the committee, which he has just been granted. Ideally, the House Republican leadership would intervene to shove Mr. Burton aside and either develop a plan for a joint inquiry with the Senate or, even better, let the Senate conduct the sole investigation, as happened in Watergate. But realistically, Speaker Newt Gingrich's own ethics problems and shaky status as leader leave him in no condition to step in. The House as a whole must grapple with the problem.

Americans deserve a prompt vote by the full House that puts all its lawmakers on record as to whether they endorse the parody of a reputable investigation now taking shape under Mr. Burton. A similar showdown in the Senate did wonders to get Mr. Thompson's inquiry on the right track.

LOS ANGELES TIMES EDITORIALS



Reno Roast Embarrasses Nobody but Congress

Grilling of attorney general is a sorry partisan spectacle

Over a span of five hours Tuesday, House Republicans grilled Atty. Gen. Janet Reno with questions they knew Reno could not, and would not, answer. Along the way, Reno was threatened with both contempt of Congress and impeachment proceedings. This was not an outstanding example of the proper use of Congress' investigating powers.

Reno and FBI Director Louis J. Freeh were summoned before the House Government Reform and Oversight Committee by Chairman Dan Burton (R-Ind.) for an examination of Reno's decision to not request an independent counsel to investigate the fund-raising practices of President Clinton and Vice President Al Gore. The panel demanded to know why Freeh had disagreed with that decision, a fact that became public with the leak of the general conclusion of a confidential memo from Freeh.

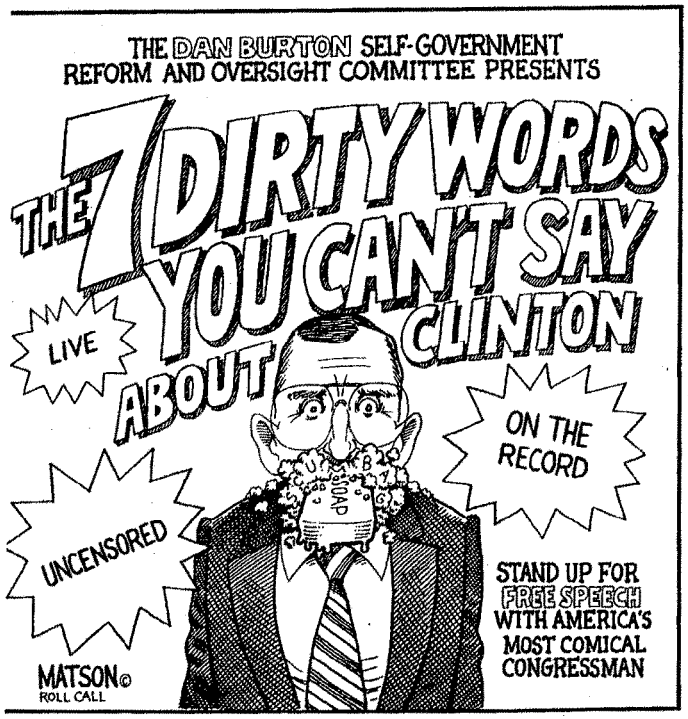
Time and again, Reno and Freeh were asked to reveal specifics of the memo, which Burton had subpoenaed and which Reno and Freeh refused to provide. Time and again, Reno and Freeh refused, explaining that to do so could compromise the ongoing Justice Department investigation by tipping off targets about where the probe was headed. That would be "the dumbest thing" a prosecutor could do, Reno sputtered, finally losing a bit of her studied composure.

Reno and Freeh also were united in arguing that disclosure of the memo would set a bad precedent and discourage future FBI chiefs from discussing issues candidly with their boss, the attorney general.

While we and other news organizations have reported on leaked documents in the past and abhor secrecy in government, there is an enormous difference between a leak and compelled disclosure. Federal executives need some latitude for confidential discussions during the decision-making process. Chairman Burton surely would insist on the same thing in his dealings with his own staff.

If Republicans hoped to drive an embarrassing wedge between Reno and Freeh, the effort was in vain. Freeh steadfastly refused to criticize Reno, saying he had total confidence in her integrity and independence in making decisions affecting the official she answers to, the president. And if the Republicans thought their strident, repetitive questioning would make Reno appear to be the willing political puppet of Bill Clinton, they were mistaken. All Burton and his allies managed to do was expose their effort for what it was—a partisan sideshow.

EDITORIALS



Soap Opera

The latest episode of this soap opera masquerading as a Congressional investigation — let's call it "As Dan Burton Turns" — shows why President Clinton should not be too worried about the Republican Congress conducting impeachment proceedings: There's no way this current GOP crowd could get its act together to produce a credible probe of any kind, let alone anything as serious as impeachment.

House Government Reform and Oversight Chairman Dan Burton (R-Ind) had managed to remain relatively reasonable throughout a large portion of his campaign finance investigation. He didn't, for example, shoot up any watermelons or pumpkins in the committee room (unlike that mysterious fruit he pummeled in his backyard to re-enact Vince Foster's suicide a few years back). While the investigation has not produced much in the way of results, Burton had at least accomplished one thing: keeping his partisan mouth shut.

But it's true that all good things must end, so Burton couldn't help but bare his true thoughts about Clinton to the Indianapolis Star: "This guy's a scumbag. That's why I'm after him."

Putting aside the fact that Burton further coarsened the discourse with that vulgarity, how obtuse could he possibly be to give Democrats so much ammunition about his bias? It brought to mind independent counsel Kenneth Starr's bizarre decision to accept a position at the Richard Scaife-financed Pepperdine University last year. Questions of partisanship have dogged Starr ever since, just as Burton will now find that his chance to conduct a fair investigation has evaporated forever.

Burton has stuck to his guns, offering this lame defense: "I believe any objective person who follows the facts would agree with me."

Many of us have been waiting for an objective look at the facts regarding the allegations that Democrats broke numerous campaign laws in the 1996 election. But we're just a few months away from the 1998 election, and Burton's investigation is sputtering along. Despite amassing more than 1.5 million documents, Burton has uncovered virtually nothing new.

The chairman made matters worse by deciding to release the audiotapes of Webster Hubbell's personal conversations with his family from prison. Besides being rotten, it is the best evidence yet that Burton's investigation has veered off course.

On the other hand, Rep. Henry Waxman (D-Calif) should think twice before filing ethics charges. While Burton's comments were extreme, it's a stretch to say that he broke ethics rules. And trying to censure a Member over intemperate remarks to a newspaper is a dangerous road to start traveling down.

The only silver lining in this whole mess may be that Burton may have aced himself out of a seat on the special impeachment committee that may be created.

If Burton loses the seat he so desperately craves, there might turn out to be a tiny bit of justice in this investigation after all.

The Hartford Courant.

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EDITORIALS

Dan Burton Is A Loose Cannon

Rep. Dan Burton is out of control.

His public release of taped telephone conversations between Webster Hubbell and his wife and his lawyer when Mr. Hubbell was in prison was an outrageous invasion of privacy.

Mr. Burton added insult to injury by editing the transcripts he initially released to make Mr. Hubbell, President Clinton and Hillary Rodham Clinton look as bad as possible.

This is only the latest in a string of offensive incidents showing that Mr. Burton will not let good judgment stand in the way of his crusade to bring down Mr. Clinton.

Unwittingly, the rabidly partisan Indiana Republican is turning out to be the best friend the president has.

It's not easy to muster sympathy for Mr. Hubbell, Mrs. Clinton's former law partner. He served time in prison for overbilling clients of the Rose Law Firm in Little Rock, charges that were part of the extended Whitewater investigation conducted by Independent Counsel Kenneth Starr.

Last week, Mr. Hubbell, now out of prison, was indicted on charges of evading taxes. The indictment is thought to be Mr. Starr's way of squeezing Mr. Hubbell into telling him whether payments made to Mr. Hubbell by friends of the Clintons – income on which he allegedly paid only part of the taxes due – were supposed to be hush money to keep him from spilling Whitewater details that would implicate the president.

Mr. Burton has managed to make the former No. 3 person in the Justice Department look like a martyr.

As chairman of a House committee investigating campaign-finance abuses, Mr. Burton has concentrated entirely on alleged wrongdoing by Democrats.

He has ignored repeated requests to investigate allegations of Republican misdeeds.

Recently, the chairman called the president a "scumbag" – this during the course of an investigation, before anything has been proved. His crude language offended even such critics of Mr. Clinton as House Speaker Newt Gingrich. Some Republicans understandably think the investigation should be shifted to another committee with a credible chairman.

Mr. Burton's calculated release of the Hubble tapes should be regarded as the last straw.

Lawyer-client conversations and communications between spouses should be sacrosanct in any system that honors privacy rights. Yes, Mr. Hubbell knew that his prison phone conversations were being taped.

But who could have anticipated that a renegade congressional committee chairman would subpoena the tapes and release them to the public, disregarding federal prison policy and provisions of the Privacy Act?

People have much to fear from an elected official who takes such liberties and abuses his power. Mr. Burton is a poor excuse for a public servant.

San Antonio Express-News

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DAY, May 6, 1998

Burton bumbles in bad faith

U.S. Rep. Dan Burton, R-Ind., is destroying GOP efforts to reveal the truth about President Clinton's questionable campaign finances.

Clinton could not have picked a better Republican to lead the probe of fund-raising in the president's reelection bid if he had made the appointment himself.

Burton's malodorous antics as chairman of the House Government Reform and Oversight Committee have stripped credibility from the panel's probe.

Burton earlier called Clinton a "scumbag," bringing national attention to his bad judgment.

Now, the Hoosier hothead has been forced to admit he omitted key passages from transcripts of Clinton pal Webster Hubbell's taped prison conversations about Whitewater.

The altered version, which was given to the media, left a more damaging impression about the Clintons than the transcripts as a whole.

Burton's release of the doctored transcripts was a partisan cheap shot, not full disclosure in the name of justice.

Clearly, Americans cannot rely on a Burton-led probe to produce the whole truth. Republican House leaders should replace him immediately.

The New York Times

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The Dan Burton Problem

By now even Representative Dan Burton ought to recognize that he has become an impediment to a serious investigation of the 1996 campaign finance scandals. He has dismissed David Bossie, the mischievous aide who helped issue inaccurate transcripts of Webster Hubbell's jailhouse conversations, and has apologized to his fellow Republicans. But that cannot compensate for inept behavior that has hobbled the inquiry and complicated Independent Counsel Kenneth Starr's criminal investigation of intriguing comments on the tapes. If the House inquiry is to be responsible, someone else on Mr. Burton's committee should run it.

Coming on the heels of an impolitic remark by Mr. Burton about the President two weeks ago, the tapes fiasco is forcing House Republicans to confront two blunders. The first was to entrust the investigation of campaign finance abuses to Mr. Burton, the chairman of the House Government Reform and Oversight Committee. The second was to give him unilateral power to release confidential information. Mr. Burton, a fierce partisan not known for balanced judgment, was plainly the wrong man for a sensitive job.

When the committee convenes next Wednesday, Democrats plan to offer motions to transfer leadership of the inquiry to another Republican on the committee. They will also ask the committee to adopt the same bipartisan rules for issuing subpoenas and releasing documents that have been followed by all previous Congressional investigations.

But it should not come to that. If Mr. Burton will not step aside, Speaker Newt Gingrich should convene the Republican caucus and ask it to name a replacement. Mr. Gingrich should also agree to rules both to provide a check on the new chairman's power and to enhance bipartisanship.

At the same meeting, the committee will wrestle with whether to grant immunity from prosecution to four witnesses who are expected to testify about questionable donations to Democrats in the 1996 campaign. House Democrats have threatened to block immunity as leverage to win a rules change granting them more say. By agreeing to improvements in the rules, Republicans would remove a major criticism of the committee's process as well as the Democrats' excuse for denying immunity.

For now, Mr. Gingrich seems determined to back Mr. Burton. That will only delay getting a truthful account of fund-raising in the 1996 election.



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Mistakes were made: Burton inquiry can't reach a credible conclusion

(Published May 11, 1998)

■ The wheels began to come off Rep. Dan Burton's inquiry into campaign fund raising even before his Government Reform and Oversight Committee started looking into matters in mid-1997. That runaway bus is careening even more dangerously today.

Initial problems centered on Burton himself, who was charged in March 1997 with threatening to ruin a Pakistan lobbyist who didn't come up with the campaign donations Burton demanded. Having those charges raised while he was proposing to investigate foreign fund-raising abuses might have chastened a lesser spirit, but Burton pressed on, denying a memo accusing him of the shakedown.

In July of last year, Burton's chief investigator quit the probe, saying he hadn't been given authority to run "a professional, credible investigation." The resignation of former federal prosecutor James Rowley and others added weight to charges that Burton had "cooked the investigation" before it began and intended only to skewer President Clinton and Democrats, rather than looking impartially at all fund raising.

Burton's next big misstep came in April, when he told a newspaper editorial board Clinton is a "scum bag" and "that's why I'm after him." Members of Congress bristled at the crude slur; Burton's declared intention to "get" the president in his inquiry seemed like the bigger problem.

Now Burton and staff are in hot water again, this time after releasing edited transcripts of jailhouse conversations involving former Clinton pal and appointee Webster Hubbell. After initially defending the editing and promising bombshell release of the entire conversations, Burton has now been forced to accept the resignation of his chief aide, acknowledging that "mistakes were made" in the process.

Indeed they were. It's hard to imagine that transcripts could have innocently omitted items such as Hubbell's statement that Hillary Rodham Clinton "had no idea" about billing irregularities at the heart of the controversy. Given Burton's record and his declared intention to go after the president, a reasonable person would assume the distortions were intentional.

Even Clinton opponents among congressional Republicans recognize that Burton's antics only distract from genuine inquiry into these issues. Like

Burton's antics only distract from genuine inquiry into these issues. Like Kenneth Starr's repeated missteps and blunders in the independent counsel's investigation, such distractions cheapen the process and rob it of credibility. No matter what the Hubbell tapes finally reveal, they are now tainted by the residue of Burton's partisan sideshow.

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Buck Stops With Reno

Congress can debate from here to adjournment the wisdom of Atty. Gen. Janet Reno's decision—so far—not to request appointment of an independent counsel to take over the investigation of fund-raising abuses in the 1996 presidential campaign. Even now there may be cause to take the investigation out of the Justice Department and turn it over to an outsider. But that decision is Reno's alone to make on the basis of her information and her interpretation of the law.

Congress has no business threatening Reno with contempt charges for declining to turn over to a House committee memos from three subordinates who have urged her to trigger the independent counsel law. This is a fishing expedition by Chairman Dan Burton (R-Ind.) of the House Government Reform and Oversight Committee, and the panel should reject the request if Burton insists on putting the issue to a vote today. Better yet would be for Burton to acknowledge the idea is wrong-headed and drop it altogether.

The detailed memos were written by FBI Director Louis J. Freeh, Assistant U.S. Atty. Charles G. LaBella and FBI Special Agent James V. Desarno. All three confirmed to the committee Tuesday that they have told Reno an outside prosecutor should be summoned. But the three also resisted, appropriately, Burton's efforts to elicit the thinking behind their recommendations. The memos are filled with details of the investigation to date. To disclose them would give targets—possibly including President Clinton and Vice President Al Gore—road maps to the federal cases against them, the Justice officials said.

Appointing an independent counsel in campaign contribution case: That decision is Reno's alone to make on the basis of her information and her interpretation of the law.

Government executives need to have confidential communications with subordinates and advisers. Without the ability to freely discuss issues and policy alternatives, decision-making would occur in an uninformed vacuum. Just as well throw darts and pick options from the dartboard.

The precedent Rep. Burton seeks could make the executive branch a ground for all sorts of witch hunts by those who second-guess motives and judgments of decision-makers. Good executives make choices and accept responsibility for them.

Reno is the attorney general. Right or wrong, she is making the decision and ultimately she—not Freeh, LaBella or Desarno—will be judged for it.

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A Times Editorial

Give Reno some room

© St. Petersburg Times, published August 6, 1998

The heat has been turned up so high under Attorney General Janet Reno, she's starting to roil. Because of her stubborn refusal so far to appoint an independent counsel to investigate campaign fund-raising during the 1996 presidential election cycle, partisans in Congress are gunning for her. Rep. Dan Burton, R-Ind., who chairs the House Committee on Government Reform and Oversight, is threatening to cite Reno for contempt for refusing to turn over confidential memorandums that recommend she appoint an independent prosecutor.

Reno should have appointed an independent counsel two years ago when credible evidence of campaign law violations by the Clinton-Gore campaign first emerged. However, Reno is right to withhold the memos written by Charles LaBella, who until last month was chief of the Justice Department task force investigating campaign financing practices, and Louis Freeh, director of the FBI. Turning such sensitive documents over to a congressional committee would put the ongoing investigations at risk.

On Tuesday, LaBella admitted to Burton's committee that his memo concluded, as a matter of law, that Reno must appoint an independent counsel, a conclusion shared by Freeh. At the same time LaBella warned that the release of the document, which he described as being 94 pages long with a stack of attachments a foot thick, would be "devastating to the investigations" and would "undercut what any prosecutor would do, whether an independent counsel or a Department of Justice prosecutor."

If the committee's purpose is getting at the truth rather than merely trying to embarrass the Clinton administration, it should back off. The integrity of the investigations is more important than a few congressional Republicans grabbing some headlines. Burton should stop this showboating and follow the lead of his more temperate colleagues. Both Rep. Henry Hyde, R-Ill., and Sen. Orrin Hatch, R-Utah, who chair the House and Senate judiciary committees, have agreed to give Reno the time she says

she needs to reconsider invoking the independent counsel statute.

Where politics end and legitimate motives begin has never been easy to discern in Washington, especially in the nasty partisan atmosphere of the moment. What is clear is that Burton should wipe away the froth around his mouth and stop demanding information that he has no right to. For her part, Reno should heed the advice of her top investigators and hand this whole mess over to an independent counsel.

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HERALDLINK FULL STORY
Published Thursday, August 6, 1998, in the Miami Herald

Tell him No, Ms. Reno!



DON'T YIELD TO BURTON

House panel's demand for secret memos could ruin Justice's investigation of campaign-finance abuses.

If you want to rid your house of rats, one extremely effective way is to burn down the house. That's essentially what U.S. Rep. Dan Burton, R-Ill., seems willing to do by threatening Attorney General Janet Reno with contempt of Congress unless she gives his committee two memos urging her to appoint an independent counsel to investigate 1996 campaign-finance abuses.

One memo is from FBI Director Louis J. Freeh. The other is from Charles G. La Bella, former head of a Justice Department task force investigating campaign-funds abuses. Both memos urged Ms. Reno to name an independent counsel. This page also has urged her to, more than once. But so far she refuses.

Ms. Reno said on Tuesday that she needs three more weeks to study the 94-page La Bella memo and its foot-thick stack of backup documents. Sen. Orrin Hatch, R-Utah, chair of the counterpart Senate committee, is waiting until after Congress's recess before considering contempt proceedings. But not Mr. Burton. He wants the memos now.

Stand fast, Ms. Reno. Don't yield them.

Mr. Burton's request is dangerous. It's more than laced with his palpable political motives. Worse, it's also bereft of any sign that he has weighed what these memos, if leaked, could do to the Justice Department's own investigation.

Furthermore, let's recall what Mr. Burton did recently with transcripts of Webster Hubbell's phone calls from prison to his wife. Before releasing the transcripts, Mr. Burton deleted portions in which Mr. Hubbell exonerated Hillary Rodham Clinton from improper activity in the Whitewater land deal. Only when a TV newsman confronted him with the unedited transcripts did Mr. Burton acknowledge the, ah, inadvertent deletions.

So we have two sound reasons for not trusting Mr. Burton with these memos. First, he might leak selected portions, as with the Hubbells' phone chats, and withhold portions that favored President Clinton and the Democrats.

Second, any premature disclosure of these memos -- especially of Mr. La Bella's, which refers to grand-jury and other evidence -- could be devastating to the campaign-finance investigation. Given the sieve that is Washington, you can bet that someone, somehow, would leak that information. It would

happen.

That price is simply not worth the peril -- except to partisan hotheads. So while we again urge Ms. Reno to name an independent counsel in this matter, as she has in 10 other instances, we also urge her to defy Mr. Burton and his ill-advised subpoena.



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Getting in touch with HERALDlink

Post 8/7

Mr. Burton and Ms. Reno

THE HOUSE Government Reform and Oversight Committee's vote yesterday to cite the attorney general for contempt of Congress is a dangerous political interference in a law enforcement decision that threatens to undermine the Justice Department's campaign finance investigation—an interference, ironically, by the same people who purport to want a vigorous investigation.

The citation resulted from the staring contest between committee Chairman Dan Burton and Janet Reno over a subpoena he issued to her for confidential memoranda written by FBI Director Louis Freeh and the former chief of the department's task force, Charles LaBella. Both had advised Ms. Reno to appoint an independent counsel—advice she has so far rejected. Ms. Reno has, furthermore, not said enough in explanation of her position on the independent counsel question, so a certain frustration with her reticence is appropriate.

But her refusal to turn over the memoranda is nonetheless correct, and Mr. Burton's approach to the matter has been nothing less than thuggish. The memos are quite detailed and would offer possible targets of the department's probe an in-depth look at the Justice Department's prosecutorial strategy and theories. The LaBella memorandum is also the subject of current review, as Ms. Reno says she has yet to decide whether his lengthy discussion of the evidence persuades her finally to invoke the law. She has offered to brief Mr. Burton on its contents, but has asked for three weeks to finish considering its recommendations.

This reasonable accommodation was not good enough for Mr. Burton when Ms. Reno explained her position to him at a meeting last week. According to a letter by Rep. Henry Waxman (D-Calif.), who was present along with Mr. Freeh, Mr. Burton told her he would begin the process of seeking a contempt citation for her failure to produce the memoranda. But, he added, the matter would not come up on the House floor until Congress reconvenes in September, and he would drop the matter if she sought an independent counsel before then. Mr. Waxman's letter accused Mr. Burton of "intimidation" and of seeking "to coerce an executive branch official to reach a predetermined conclusion on a discretionary matter."

Mr. Burton has denied this, but his own statement of his position is hardly reassuring. "I would certainly prefer to have the documents to review, rather than hold the Attorney General in contempt for refusing Congress' legitimate oversight in these matters," he wrote Mr. Waxman on Monday. "Obviously, a decision to appoint an independent counsel might make the oversight of the Justice Department's investigation moot." The line separating a simple statement of fact from a threat can be a thin one. Mr. Burton should not be flirting with it, and Ms. Reno—right or wrong on the independent counsel question—is right in her refusal to be bullied.

Congress Forfeits Its Role



Politics & People

By Albert R. Hunt

The Wen Ho Lee debacle is a textbook case of executive-branch misconduct.

The Taiwanese-born Los Alamos scientist was kept in solitary confinement, shackled, denied bail and repeatedly accused of selling the "crown jewels" of U.S. security secrets to China. The Justice Department, the Federal Bureau of Investigation and the Energy Department—along with some of the press—were the perpetrators in this miscarriage of justice.

Last week, thanks to a courageous judge appointed by Ronald Reagan, the case was dropped. All we know for certain is that Mr. Lee, who'll be explaining his actions to federal agents next week, downloaded lots of classified material. The government dropped 58 of 59 charges against him and the man once depicted as a modern-day Julius Rosenberg was free to go home.

As Judge James Parker so eloquently observed, an American citizen was egregiously denied his fundamental rights by a government that then lied about it and tried to cover up some of its misdeeds. This cries out for an inquiry from what should be the most appropriate place: Congress.

Sure. That's about as sensible as launching inquiries headed by John Rocker on ethnic sensitivity, rap artist Eminem on decency, or Bill Clinton on sexual promiscuity.

Congressional oversight usually has three objectives: to evaluate the effectiveness of government officials, actions or programs; to initiate, when necessary, reforms; and, to score political points. For five years congressional Republicans have focused only on the last of these and failed miserably in the process.

They are pathetic imitations of the tough oversight guys in the last Democratic-run Congress, John Dingell and Jack Brooks. These legislators engaged in excesses, but they also achieved important objectives, such as reforming government purchasing practices and university billing procedures.

The dominant, often sole, rationale for the current crop of overseers is an obsessive desire to get Bill Clinton.

This was most pronounced in the biggest oversight of all: impeachment. Anyone who thought the Republicans were acting on principle ought to read a riveting new book, "The Breach," by Washington Post reporter Peter Baker. The driving force behind the House GOP's march to impeachment was Majority Whip Tom DeLay. Mr. Baker reveals the following impeachment memo, by a DeLay aide: "This whole thing about not kicking someone when they are down is B.S.—Not only do you kick him—you kick him until he passes out—and then bat him over the head with a baseball bat—then roll him up in an old rug—and throw him off a cliff into the pounding surf below!!!"

If the Republicans had demanded a tough censure with accompanying sanctions, they would have foiled Democrats. A move to censure would have passed with a vote of about 400 to 34, the president would have been thoroughly discredited, Republicans would have gained the upper hand and the entire political landscape would be different today.

But impeachment is only the most dramatic piece of a pattern. Republican leaders have been so indiscriminate in their obsession to "get" Mr. Clinton that they've actually helped him. California Democratic Rep. Henry Waxman directed the minority staff of the Government Affairs Committee to analyze the myriad charges, and the subsequent facts, brought by House Republicans, particularly Oversight Chairman Dan Burton.

The 22-page document is devastating. Among the Republican allegations: White House counsel Vince Foster was murdered because of the Whitewater land deal; the Clinton White House compiled a political "enemies list" by improperly using FBI files; there was a conspiracy between the Clinton administration and the Chinese government to affect the 1996 elections; the White House deliberately, and illegally, altered videotapes of presidential fund-raising events; the Clinton administration engaged in a "political payoff" in an Indian gambling decision; and, former Clinton aide Webster Hubbell, caught in a prison wiretap, explicitly implicated the first lady in his own legal misdeeds.



Wen Ho Lee

There's more. One top Republican actually suggested the president engaged in "treason." But all the accusations have a common denominator: They are blatantly false.

Wen Ho Lee is only the latest. Ever since reports first surfaced several years ago that the Chinese had obtained major U.S. nuclear secrets through espionage, fingers started to point at the Los Alamos lab and Mr. Lee. Senate Intelligence Committee Chairman Richard Shelby, alluding to the Lee case, said Attorney General Reno should be canned. "Heads should roll," agreed Senate Majority Leader Trent Lott.

A few Democrats joined the fray, including members of the committee headed by Rep. Chris Cox that looked into alleged Chinese espionage. A number of Republicans, and Sen. Bob Torricelli, assailed Attorney General Janet Reno for not approving an FBI-requested wiretap of Mr. Lee. It's now clear that the request for the wiretap was deeply flawed.

Republican Sen. Arlen Specter, who's rarely seen a headline about himself that he didn't like, issued a report earlier this year charging that "errors and omissions" by the Clinton administration "have permitted Dr. Lee to threaten U.S. supremacy by putting at risk information that could change the global strategic balance." Guess who is now preparing to hold a hearing on Wen Ho Lee? Arlen Specter.

There are many legitimate questions that should be raised. What happened to a top FBI agent who lied about Mr. Lee's involvement? Why have relations between the Justice Department and FBI become harmfully adversarial? Why has the FBI gotten away with such unscrupulous leaks in this case? Why is the head of the criminal division at the Justice Department irrelevant? Was Wen Ho Lee a victim of racial profiling? If not Mr. Lee, did someone else leak sensitive secrets to the Chinese? Did Janet Reno and Energy Secretary Bill Richardson panic over congressional pressure? Was the imprisoned Mr. Lee subjected to constitutionally impermissible pressures to make him change his story?

It should be the role of Congress to probe these questions. They provide an appetizing target for politicians. As Vermont Sen. Patrick Leahy notes, there are those on Capitol Hill who "want to engage in a blame game about who won and lost this case." But, he concludes, "Congress's own aggressive meddling in this case should disqualify us from playing the referee."

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EXHIBIT 3

UNSUBSTANTIATED ALLEGATIONS OF WRONGDOING INVOLVING THE CLINTON ADMINISTRATION

Prepared for Rep. Henry A. Waxman

Minority Staff Report
Committee on Government Reform
U.S. House of Representatives

October 2000

Over the past eight years, Chairman Dan Burton of the House Government Reform Committee and other Republican leaders have repeatedly made sensational allegations of wrongdoing by the Clinton Administration. In pursuing such allegations, Chairman Burton alone has issued over 900 subpoenas; obtained over 2 million pages of documents; and interviewed, deposed, or called to testify over 350 witnesses. The estimated cost to the taxpayer of investigating these allegations has exceeded $23 million.[1]

Chairman Burton or other Republicans have charged that Deputy White House Counsel Vince Foster was murdered as part of a coverup of the Whitewater land deal; that the White House intentionally maintained an "enemies list" of sensitive FBI files; that the IRS targeted the President's enemies for tax audits; that the White House may have been involved in "selling or giving information to the Chinese in exchange for political contributions"; that the White House "altered" videotapes of White House coffees to conceal wrongdoing; that the Clinton Administration sold burial plots in Arlington National Cemetery; that prison tape recordings showed that former Associate Attorney General Webster Hubbell was paid off for his silence; that the Attorney General intentionally misled Congress about Waco; and that problems with the White House e-mail archiving system are "the most significant obstruction of Congressional investigations in U.S. history" and "reach much further" than Watergate.

This report is not intended to suggest that President Clinton or his Administration have always acted properly. There have obviously been instances of mistakes and misconduct that deserve investigation. But frequently the Republican approach -- regardless of the facts -- has been "accuse first, investigate later." Further investigation then often shows the allegations to be unsubstantiated. In fact, FBI interviews showed that one widely publicized Republican allegation was based on nothing more than gossip at a congressional reception.

This approach has done great harm to reputations. The unsubstantiated accusations have frequently received widespread attention. For example, Chairman Burton's allegation regarding White House videotape alteration received widespread media coverage. It was reported by numerous television news programs, including *CBS Morning News*,[2] *CBS This Morning*,[3] *NBC News At Sunrise*,[4] NBC's *Today*,[5] *ABC World News Sunday*,[6] *CNN Early Prime*,[7] *CNN Morning News*,[8] CNN's *Headline News*,[9] CNN's *Early Edition*,[10] Fox's *Morning News*,[11] and *Fox News Now/Fox In Depth*.[12] In addition, newspapers across the country, including the *Washington Post*,[13] the *Las Vegas Review-Journal*,[14] the *Houston Chronicle*,[15] the *Commercial Appeal*,[16] and the *Sun-Sentinel*,[17] published stories focusing on the allegation. Two months later, when Senator Fred Thompson announced that there was no evidence that the videotapes had been doctored, there was minimal press coverage of his statement.[18]

The discussion below examines the facts – and lack thereof – underlying over 25 of the most highly publicized allegations.

Allegation: During 1994 and 1995, Chairman Burton suggested numerous times on the House floor that Deputy White House Counsel Vince Foster had been murdered and that

his murder was related to the investigation into President and Hillary Clinton's involvement in the Whitewater land deal.[19]

The Facts: Chairman Burton's allegations have been repeatedly repudiated.

On August 10, 1993, the United States Park Police announced the following conclusions of its investigation: "Our investigation has found no evidence of foul play. The information gathered from associates, relatives and friends provide us with enough evidence to conclude that . . . Mr. Foster was anxious about his work and he was distressed to the degree that he took his own life."[20] On June 30, 1994, Independent Counsel Robert Fiske issued his report stating that "[t]he overwhelming weight of the evidence compels the conclusion . . . that Vincent Foster committed suicide."[21]

More recently, on October 10, 1997, Independent Counsel Ken Starr concluded: "The available evidence points clearly to suicide as the manner of death."[22]

Allegation: In 1995 and 1996, Republicans alleged that the White House fired the employees of the White House travel office so that White House travel business would be given to Harry Thomason, a political supporter of President Clinton. The Chairman of the House Committee on Government Reform and Oversight, William F. Clinger, said he saw the First Lady's "fingerprints" on efforts to cover up and lie about the travel office firings.[23] Discussing the travel office matter, Rep. Dan Burton said, "The First Lady, according to the notes we have, has lied."[24]

The Facts: In June 2000, the Office of the Independent Counsel issued a press release announcing that its investigation into the Travel Office matter had concluded. Independent Counsel Robert Ray stated:

> This Office has now concluded its investigation into allegations relating to . . . Mrs. Clinton's statements and testimony concerning the Travel Office firings and has fully discharged [her] from criminal liability for matters within this Office's jurisdiction in the Travel Office matter.[25]

Allegation: In June 1996, Chairman Burton alleged that the White House had improperly obtained FBI files of prominent Republicans and that these files "were going to be used for dirty political tricks in the future."[26] Committee Republicans also released a report suggesting that the files were being used by the Clinton Administration to compile a "hit list" or an "enemies list."[27]

The Facts: These allegations have been thoroughly investigated by the Office of the Independent Counsel and repudiated. The Independent Counsel had been charged with examining whether Anthony Marceca, a former White House detailee who had requested the FBI background files at issue, senior White House officials, or Mrs. Clinton had engaged in illegal conduct relating to these files.

According to the report issued by Independent Counsel Ray in March 2000, "neither Anthony Marceca nor any senior White House official, or First Lady Hillary Rodham Clinton, engaged in criminal conduct to obtain through fraudulent means derogatory information about former White House staff." The Independent Counsel also concluded that "Mr. Marceca's alleged criminal conduct did not reflect a conspiracy within the White House," and stated Mr. Marceca was truthful when he testified that "[n]o senior White House official, or Mrs. Clinton, was involved in requesting FBI background reports for improper partisan advantage."[28]

Allegation: Beginning in 1996, Chairman Burton and other Republican leaders suggested that there was a conspiracy between the Chinese government and the Clinton Administration to violate federal campaign finance laws and improperly influence the outcome of the 1996 presidential election. In a February 1997 interview on national television, Chairman Burton stated:

> **If the White House or anybody connected with the White House was selling or giving information to the Chinese in exchange for political contributions, then we have to look into it because that's a felony, and you're selling this country's security – economic security or whatever to a communist power.[29]**

Further, on the House floor in June 1997, Chairman Burton alleged a "massive" Chinese conspiracy:

> **We are investigating a possible massive scheme . . . of funneling millions of dollars of foreign money into the U.S. electoral system. We are investigating allegations that the Chinese government at the highest levels decided to infiltrate our political system.[30]**

The Facts: The House Government Reform Committee to date has spent four years and over $8 million investigating these allegations. No evidence provided to the Committee substantiates the claim that the Administration was "selling or giving information to the Chinese in exchange for political contributions."

The FBI obtained some evidence that China had a plan to try to influence congressional elections.[31] However, no evidence was provided to the Committee that the Chinese government carried out a "massive scheme" to influence the election of President Clinton.

Allegation: In June 1997, Rep. Gerald Solomon, the Chairman of the House Rules Committee, claimed that he had "evidence" from a government source that John Huang, the former Commerce Department official and Democratic National Committee fundraiser, had "committed economic espionage and breached our national security." This allegation was reported on national television and in many newspapers across the country.[32]

The Facts: In August 1997, and again in February 1998, Rep. Solomon was interviewed by the FBI to determine the basis of Rep. Solomon's allegations. During the first interview, Rep.

Solomon told the FBI that he was told by a Senate staffer at a Capitol Hill reception that the staffer "received confirmation that 'a Department of Commerce employee had passed classified information to a foreign government.'" According to the FBI notes on the Solomon interview, the Senate staffer did not say that the employee was John Huang, nor did he say that information went to China. Rep. Solomon did not know who the staffer was.[33]

In his second interview with the FBI, Rep. Solomon recalled that what the staffer said to him was: "Congressman you might like to know that you were right there was someone at Commerce giving out information." Again in this interview, Rep. Solomon told the FBI that he did not know the name of the staffer who made this comment.[34]

Allegation: In August 1997, several Republican leaders called for an independent counsel to investigate allegations by Democratic donor Johnny Chung that former Energy Secretary Hazel O'Leary had, in effect, "shaken down" Mr. Chung by requiring him to make a donation to the charity Africare as a precondition to a meeting with her. On national television, Republican National Committee Chairman Jim Nicholson stated, "[W]e need independent investigation made of people like Hazel O'Leary."[35] Rep. Gerald Solomon, the Chairman of the House Rules Committee, criticized the Attorney General for being "intransigent" in refusing to appoint an independent counsel.[36]

The Facts: A Department of Justice investigation found "no evidence that Mrs. O'Leary had anything to do with the solicitation of the charitable donation."[37] In fact, it turned out that Secretary O'Leary's first contact with Mr. Chung occurred after Mr. Chung had made his contribution, making the allegation factually impossible.[38]

Allegation: In September 1997, Chairman Burton suggested on national television that the Clinton Administration was engaging in an "abuse of power" by using the Internal Revenue Service (IRS) to retaliate against the President's political enemies.[39] *The Washington Times* also quoted the Chairman as stating: "One case might be a coincidence. Two cases might be a coincidence. But what are the chances of this entire litany of people -- all of whom have an adversarial relationship with the President -- being audited?"[40]

The Facts: The Chairman's remarks related to allegations that the IRS was auditing conservative groups and individuals for political purposes. According to these allegations, several non-profit tax-exempt organizations that supported positions different from those of the Clinton Administration were being audited while other organizations favored by the Administration were not.[41]

The Joint Committee on Taxation conducted a three-year bipartisan investigation of these allegations. In March 2000, the Committee reported that it had found no evidence of politically motivated IRS audits.[42] Specifically, the bipartisan report found there was "no credible evidence that tax-exempt organizations were selected for examination, or that the IRS altered the manner in which examinations of tax-exempt organizations were conducted, based on the views espoused by the organizations or individuals related to the organization." Further, the report

found "no credible evidence of intervention by Clinton Administration officials (including Treasury Department and White House officials) in the selection of (or the failure to select) tax-exempt organizations for examination."[43]

Allegation: In October 1997, Chairman Burton held a hearing which he claimed would produce evidence of "blatantly illegal activity by a senior national party official."[44] The star witness at that hearing, David Wang, alleged that then-DNC official John Huang had solicited a conduit contribution from him in person in Los Angeles on August 16, 1996.[45]

The Facts: It was Charlie Trie and his associate Antonio Pan, not John Huang, who solicited Mr. Wang. Unlike Mr. Huang, Mr. Trie and Mr. Pan were never "senior officials" at the DNC. Credit card records, affidavits, and other evidence conclusively demonstrated that Mr. Huang had been in New York, not Los Angeles, on the day in question.[46] Mr. Huang later testified before the Committee and denied Mr. Wang's allegations.[47] On March 1, 2000, Democratic fundraiser Charlie Trie appeared before the Committee and acknowledged that it had been he and Mr. Pan, not Mr. Huang, who had solicited the conduit contribution.[48]

Allegation: At an October 1997 hearing before the House Committee on Government Reform and Oversight, Chairman Burton publicly released a proffer from Democratic fundraisers Gene and Nora Lum. Chairman Burton stated that the proffer indicated that "the solicitation and utilization of foreign money and conduit payments did not begin after the Republicans won control of the Congress in 1994. Rather, it appears that the seeds of today's scandals may have been planted as early as 1991."[49] Specifically, the proffer suggested that President Clinton endorsed the candidacy of a foreign leader in exchange for campaign contributions.[50] This allegation was reported in the *Washington Post* in an article entitled "Story of a Foreign Donor's Deal With '92 Clinton Camp Outlined," and in other national media.[51]

The Facts: To investigate this allegation and other allegations concerning the Lums, Chairman Burton issued nearly 200 information requests that resulted in the receipt of over 40,000 pages of documents, 50 audiotapes, a videotape, and numerous depositions. After this extensive investigation, however, the Chairman was never able to produce any evidence to support the dramatic allegation in the proffer.

The proffer presented by Chairman Burton states that, during the 1992 campaign, the Lums arranged a meeting with a Clinton/Gore official for an individual who had proposed to arrange a "large donation in exchange for a letter signed by the Clinton campaign endorsing the candidacy of a man who is now the leader of an Asian nation." The proffer states that the official "later provided a favorable letter over the name of Clinton," that a "Clinton/Gore official signed then Governor Clinton's name to the letter," and that the individual who made the request for the letter then made a $50,000 contribution that reportedly came from "a foreign person then residing in the United States."[52]

In its investigation, the only letter the Committee obtained that concerned then-Governor Clinton's position on an election in Asia is an October 28, 1992, letter on Clinton/Gore letterhead that pertains to the presidential election in Korea. This document specifically states that then-Governor Clinton does not believe it is appropriate for U.S. public officials to endorse the candidacies in foreign elections. The letter states:

> Thank you for bringing to my attention the impact in Korea that my statement of September 17th has caused. I would appreciate your help in clarifying the situation in Korea through proper channels. My statement was a courtesy reply in response to an invitation to me to attend an event in honor of Chairman Kim Dae-Jung, and to extend to him my greetings. It was not meant to endorse or assist his candidacy in the upcoming presidential election in Korea. I do not believe that any United States government official should endorse a presidential candidate in another country.[53]

Allegation: On October 19, 1997, Chairman Burton appeared on national television and suggested that the White House had deliberately altered videotapes of presidential fund-raising events. On CBS's *Face the Nation*, he said "We think ma--maybe some of those tapes may have been cut off intentionally, they've been--been, you know, altered in some way." He also said that he might hire lip-readers to examine the tapes to figure out what was being said on the tapes.[54]

The Facts: Investigations by the House Government Reform and Oversight Committee and the Senate Governmental Affairs Committee produced no evidence of any tampering with the tapes. Shortly after Chairman Burton made his allegation regarding tape alteration, the Senate Governmental Affairs Committee hired a technical expert, Paul Ginsburg, to analyze the videotapes to determine whether they had been doctored. Mr. Ginsburg concluded that there was no evidence of tampering.[55] In addition, Colonel Joseph Simmons, commander of the White House Communications Agency (WHCA), Colonel Alan Sullivan, head of the White House Military Office which oversees WHCA, and Steven Smith, chief of operations of WHCA, all testified under oath before the House Government Reform and Oversight Committee in October 1997 that they were unaware of any alteration of the videotapes.[56]

Allegation: In November 1997, Republican leaders drew on unsubstantiated reports by conservative radio talk shows and publications to accuse the Clinton Administration of selling burial plots in Arlington National Cemetery for campaign contributions.[57] Republican Party Chairman Jim Nicholson accused the Administration of a "despicable political scheme," and several Republican leaders, including Chairman Burton, called for investigations.[58] Representative Gerald Solomon stated, "[t]his latest outrage is one more slap in the face of every American who ever wore the uniform of their country, who seem to be special objects of contempt in this administration."[59]

The Facts: The Army has established restrictive eligibility requirements for burial at Arlington. Individuals who are eligible for Arlington National Cemetery burial sites include service members who died while on active duty, honorably discharged members of the armed forces who

have been awarded certain high military distinctions, and surviving spouses of individuals already buried at Arlington, among others. The Secretary of the Army may grant waivers of these requirements.[60]

In January 1998, the General Accounting Office (GAO) concluded an independent investigation of the allegations that waivers were granted in exchange for political contributions. As part of this investigation, GAO analyzed the laws and regulations concerning burials at Arlington, conducted in-depth review of Department of Army case files regarding approved and denied waivers, and had discussions with officials responsible for waiver decisions.[61]

GAO's report stated: "[W]e found no evidence in the records we reviewed to support recent media reports that political contributions have played a role in waiver decisions." Further, GAO stated: "Where the records show some involvement or interest in a particular case on the part of the President, executive branch officials, or Members of Congress or their staffs, the documents indicate only such factors as a desire to help a constituent or a conviction that the merits of the person being considered warranted a waiver."[62]

Allegation: In January 1998, Chairman Burton held four days of hearings into whether campaign contributions influenced the actions of Secretary of the Interior Bruce Babbitt or other Department of the Interior officials with respect to a decision to deny an Indian gambling application in Hudson, Wisconsin. During those hearings, Chairman Burton alleged that the decision was a "political payoff" and that it "stinks" and "smells."[63]

The Facts: On August 22, 2000, Independent Counsel Carol Elder Bruce released the report of her investigation into the Hudson casino decision. She found that the allegations of political payoff were unsubstantiated, concluding:

> A full review of the evidence . . . indicates that neither Babbitt nor any government official at Interior or the White House entered into any sort of specific and corrupt agreement to influence the outcome of the Hudson casino application in return for campaign contributions to the DNC.[64]

Allegation: In April 1998, Chairman Burton suggested that President Clinton had created a national monument in Utah in order to benefit the Lippo Group, an Indonesian conglomerate with coal interests in Indonesia.[65] James Riady, an executive of the Lippo Group, was a contributor to the DNC. In June 1998, in a statement on the House floor, Chairman Burton reiterated his allegation: "[T]he President made the Utah Monument a national park. What is the significance of that? The largest clean-burning coal facility in the United States, billions and billions of dollars of clean-burning coal are in the Utah Monument. It could have been mined environmentally safely according to U.S. engineers. Who would benefit from turning that into a national park so you cannot mine there? The Riady group, the Lippo Group, and Indonesia has the largest clean-burning coal facility, mining facility, in southeast Asia. They were one of the largest contributors. Their hands

are all over, all over these contributions coming in from Communist China, from Macao and from Indonesia. Could there be a connection here?"[66]

The Facts: In September 1996, President Clinton set aside as a national monument 1.7 million acres of coal-rich land in Utah under a 1906 law that allows the president to designate national monuments without congressional approval.[67] After two years of investigation, the Committee produced no evidence that there is any connection between the designation of this land as a monument and Riady group or any other contributions.[68]

Allegation: In April 1998, Chairman Burton released transcripts of selected portions of Webster Hubbell's prison telephone conversations. According to these transcripts, if Mr. Hubbell had filed a lawsuit against his former law firm, it would have "opened up" the First Lady to allegations, and for this reason Mr. Hubbell had decided to "roll over" to protect the First Lady. These transcripts included a quote of Mrs. Hubbell saying, "And that you are opening Hillary up to all of this," and Mr. Hubbell responding, "I will not raise those allegations that might open it up to Hillary" and "So, I need to roll over one more time." These quotes were taken from a two-hour March 25, 1996, conversation between the Hubbells.[69]

The Facts: Webster Hubbell was Assistant Attorney General until March 1994. Prior to that, he was a partner with Hillary Clinton at the Rose Law Firm in Little Rock, Arkansas. In December 1994, Mr. Hubbell pled guilty to tax evasion and mail fraud and went to prison for 16 months.

During his imprisonment, Mr. Hubbell's phone calls to his friends, family, and lawyers were routinely taped by prison authorities. Such taping is standard in federal prisons. These tapes were turned over to the Government Reform and Oversight Committee. Although the tapes are supposed to be protected by the Privacy Act, Chairman Burton released a document in April 1998 entitled the "Hubbell Master Tape Log," which contained what were purported to be excerpts from these tapes. However, it was subsequently revealed that many of these excerpts were in fact inaccurate or omitted exculpatory statements made by Mr. Hubbell that directly contradicted the allegations.[70]

For example, while the "Hubbell Master Tape Log" quoted the above portions of the March 25, 1996, conversation between Mr. and Mrs. Hubbell, it omitted a later portion of the same conversation that appears to exonerate the First Lady. The later portion of that conversation follows, with the portions that Chairman Burton omitted from the "Hubbell Master Tape Log" underlined:

> Mr. Hubbell: Now, Suzy, I say this with love for my friend Bill Kennedy, and I do love him, he's been a good friend, he's one of the most vulnerable people in my counterclaim. Ok?
>
> Mrs. Hubbell: I know.

Mr. Hubbell: Ok, Hillary's not, Hillary isn't, the only thing is people say why didn't she know what was going on. And I wish she never paid any attention to what was going on in the firm. That's the gospel truth. She just had no idea what was going on. She didn't participate in any of this.

Mrs. Hubbell: They wouldn't have let her if she tried.

Mr. Hubbell: Of course not.

The "Hubbell Master Tape Log" released by the Chairman also included an underlined passage in which Mr. Hubbell allegedly said: "The Riady is just not easy to do business with me while I'm here." In fact, the actual tape states: "The reality is it's just not easy to do business with me while I'm here."

Allegation: In April 1998, Chairman Burton sought immunity from the Committee for four witnesses: Nancy Lee, Irene Wu, Larry Wong, and Kent La. He and other Republicans leaders, including Speaker Newt Gingrich, alleged that these witnesses had important information about illegal contributions from the Chinese government during the 1996 elections.[71]

Speaker Gingrich alleged that the four witnesses would provide information on "a threat to the fabric of our political system."[72] **Rep. John Boehner alleged that the witnesses had "direct knowledge about how the Chinese government made illegal campaign contributions" and stated that the decision regarding granting immunity "is about determining whether American lives have been put at risk."**[73] **Committee Republican Rep. Shadegg stated that one of the witnesses, Larry Wong, "is believed to have relevant information regarding the conduit for contributions made by the Lums and others in the 1992 fund-raising by John Huang and James Riady."**[74]

The Facts: In June 1998, the Committee provided these witnesses with immunity. After they were immunized, their testimony revealed that none had any knowledge whatsoever about alleged Chinese efforts to influence American elections. For example, Mr. Wong's primary responsibilities in working for Democratic donor Nora Lum were to register voters and serve as a volunteer cook.[75] Following is the total testimony he provided regarding James Riady:

Majority Counsel: Did Nora ever discuss meeting James Riady?
Mr. Wong: James who?
* * *
Majority Counsel: James Riady.
Mr. Wong: No.[76]

Allegation: In May 1998, Rep. Curt Weldon suggested on the House floor that the President could have committed treason. Rep. Weldon's remarks involved allegations that the political contributions of the Chief Executive Officer of Loral Corporation, Bernard

Schwartz, had influenced the President's decision to authorize the transfer of certain technology to China. Rep. Weldon described this issue as a "scandal that is unfolding that I think will dwarf every scandal that we have seen talked about on this floor in the past 6 years," and said, "this scandal involves potential treason."[77] The *National Journal* reported this allegation in an article that referred to Rep. Weldon as "a respected senior member of the National Security Committee."[78]

The Facts: The Department of Justice examined the allegations relating to whether campaign contributions influenced export control decisions and found them to be unfounded.[79] In August 1998, Lee Radek, chief of the Department's public integrity section, wrote that "there is not a scintilla of evidence – or information – that the President was corruptly influenced by Bernard Schwartz."[80] Charles La Bella, then head of the Department's campaign finance task force, agreed with Mr. Radek's assessment that "this was a matter which likely did not merit any investigation."[81]

A House select committee investigated allegations relating to United States technology transfers to China, and whether campaign contributions influenced export control decisions. In May 1999, the Committee findings were made public. The Committee's bipartisan findings also did not substantiate Rep. Weldon's suggestions of treason by the President.[82]

Allegation: In September 1998, Rep. David McIntosh sent a criminal referral to the Department of Justice alleging that White House Deputy Counsel Cheryl Mills provided false testimony to Congress and obstructed justice.[83] He told the *Washington Post* that there was "very strong evidence" that Ms. Mills lied to Congress.[84]

The Facts: Rep. McIntosh's claims were based on a run-of-the-mill document dispute. Ms. Mills believed that two documents out of over 27,000 pages of documents produced to the Government Reform and Oversight Committee were not responsive to a request from Rep. McIntosh, while Rep. McIntosh believed the two documents were responsive. Instead of viewing this disagreement as a difference in judgment, Rep. McIntosh charged that Ms. Mills was obstructing justice and that she lied to the Committee.[85] The Justice Department investigated Rep. McIntosh's allegations and found them to be without merit.[86]

Allegation: In October 1998, Rep. David McIntosh alleged that the President, First Lady, and senior Administration officials were involved in "theft of government property" for political purposes. To support this claim, Rep. McIntosh claimed that the President's 1993 and 1994 holiday card lists had been knowingly delivered to others outside of the government, and that, with respect to the holiday card project, evidence suggested a "criminal conspiracy to circumvent the prohibition on transferring data to the DNC."[87]

The Facts: The White House database, known as "WhoDB," is a computerized rolodex used to track contacts of citizens with the White House and to create a holiday card list. In putting together the holiday card list, the Clinton Administration followed the procedures established by previous administrations. A number of entities, including the White House and the Democratic

National Committee, created lists of card recipients, and the White House hired an outside contractor to merge the lists, and produce and mail the cards. As with past Administrations, the production and mailing costs of the holiday card project were paid for by the President's political party to avoid any appearance that taxpayer funds were being used to pay for greetings to political supporters.

The evidence showed that the contractor charged with eliminating duplicate names from the 1993 holiday card list failed to remove the list from its computer. This computer was subsequently moved – for unrelated reasons – to the 1996 Clinton/Gore campaign. The Committee uncovered no evidence that this list was ever used for campaign purposes. In fact, computer records showed that the Clinton/Gore campaign never accessed it, and it appears that the campaign was not aware that the computer contained this list.

With respect to the 1994 holiday card list, a DNC employee learned that the contractor charged with eliminating duplicate names from the list did not properly "de-dupe" the list. Therefore, she worked with her parents and several volunteers over a weekend to properly perform this task. The evidence indicates that neither the 1994 nor the 1993 holiday card list was used for any other purpose than sending out the holiday cards.[88]

Allegation: In March 1999, Chairman Burton sent a criminal referral to Department of Justice alleging that Charles Duncan, Associate Director of the Office of Presidential Personnel at the White House, made false statements to the Committee regarding the appointment of Yah Lin "Charlie" Trie to the Bingaman Commission.[89]

The Facts: Chairman Burton alleged that Mr. Duncan made false statements in his answers to Committee interrogatories in April 1998.[90] These answers included statements by Mr. Duncan that, to the best of his recollection, no one expressed opposition to him regarding the appointment of Mr. Trie to a trade commission known as the "Bingaman Commission."[91] The main basis for the Chairman's allegation was that Mr. Duncan's responses were "irreconcilable" with statements purportedly made by another witness, Steven Clemons.[92]

Investigation revealed that Mr. Clemons's statements were apparently misrepresented by Mr. Burton's staff. Mr. Clemons was interviewed by two junior majority attorneys without representation of counsel. Immediately after the majority released the majority staff's interview notes of the Clemons interview in February 1998, Mr. Clemons issued a public statement noting that he had never seen the notes, he had not been given the opportunity to review them for accuracy, and that "the notes have significant inaccuracies and misrepresentations . . . about the important matters which were discussed."[93] The Department of Justice closed its investigation of Mr. Duncan without bringing any charges.[94]

Allegation: In June 1999, Chairman Burton issued a press release accusing Defense Department officials of attempting to tamper with the computer of a Committee witness, Dr. Peter Leitner, of the Defense Threat Reduction Agency (DTRA), while he was testifying before the House Committee on Government Reform. The Chairman alleged, "While Dr.

Leitner was telling my committee about the retaliation he suffered for bringing his concerns to his superiors and Congress, his supervisor was trying to secretly access his computer. This smacks of mob tactics." He further commented, "George Orwell couldn't have dreamed this up."[95]

The Facts: Both the Committee and the Air Force Office of Special Investigations subsequently conducted investigations regarding the allegation of computer tampering. The Committee interviewed 11 DTRA employees, obtained relevant documents, and learned that the allegation was untrue. Instead, the incident was nothing more than a routine effort to obtain files in the witness's computer that were necessary to complete an already overdue project.

When Dr. Leitner was on leave to testify before the Committee on June 24, 1999, his superior, Colonel Raymond A. Willson, had reassigned a task of Dr. Leitner's to another DTRA employee. This reassignment -- responding to a letter from Senator Phil Gramm -- occurred because DTRA's internal due date for the project was passed and Dr. Leitner's draft response was not accurate. As part of reassigning the task, Col. Willson asked the office's technical division to transfer relevant files from Dr. Leitner's computer. The transfer never occurred, however, because the employee to whom the task was reassigned did not need Dr. Leitner's files to complete the task. Dr. Leitner's computer was not touched.[96]

On July 12, 1999, the Committee also learned that the Air Force Office of Special Investigations had completed its investigation and found that Col. Willson had done nothing improper.

Allegation: In July 1999 testimony before the House Rules Committee, Chairman Burton stated that the House Committee on Government Reform had received information indicating that the Attorney General "personally" changed a policy related to release of information by the Department of Justice so that an attorney she knew "could help her client."[97]

The Facts: One year after Chairman Burton testified before the Rules Committee, the House Government Reform Committee took testimony from the relevant witnesses at a July 27, 2000, hearing.

Chairman Burton's allegations concerned efforts by a Miami attorney, Rebekah Poston, to obtain information for her client, who had been sued in a Japanese court for libel by a Japanese citizen named Nobuo Abe. The alleged statements at the heart of this lawsuit related to whether Mr. Abe had been arrested or detained in Seattle in 1963. Mr. Abe maintained that he had never been detained and that statements to the contrary made by Ms. Poston's client were defamatory.[98] In order to support her client's interests in this lawsuit, Ms. Poston filed Freedom of Information Act (FOIA) requests with several components of the Department of Justice in November 1994 seeking records that established that her client's statement were true and that Mr. Abe had, in fact, been arrested or detained.

In response to Ms. Poston's FOIA requests, the INS, Bureau of Prisons, and Executive Office of the United States Attorneys informed Ms. Poston that no records on Mr. Abe existed.[99] The Department of Justice, however, initially informed Ms. Poston that it was its policy not to confirm or deny whether the Justice Department maintains such files on an individual unless the individual authorizes such a confirmation or denial.[100] After Ms. Poston appealed this decision and threatened litigation on the matter, the Justice Department reversed its decision and confirmed to her that no records on Mr. Abe existed. This decision to confirm the lack of records was legal and it was damaging to Ms. Poston's client. The Justice Department official who directed this decision testified that he believed it was appropriate because it precluded potential litigation and did not deprive anyone of privacy rights because no release of records was involved.[101]

Although the Chairman suggested that the Attorney General "personally" changed Department policy to allow release of information, the records produced to the Committee show that the Attorney General recused herself from the decision.[102] John Hogan, who was Attorney General Reno's chief of staff at the time of Ms. Poston's FOIA request, testified before the House Government Reform Committee that the Attorney General "had no role in this decision whatsoever, initially or at any stage."[103]

Allegation: In August and September 1999, Chairman Burton alleged that Attorney General Reno had intentionally withheld evidence from Congress on the use of "military rounds" of tear gas, which may have some potential to ignite a fire, during the siege of the Branch Davidian compound in Waco, TX. Specifically, on a national radio news broadcast in August 1999, he stated that Attorney General Reno "should be summarily removed, either because she's incompetent, number one, or, number two, she's blocking for the President and covering things up, which is what I believe."[104]

Further, on September 10, 1999, Chairman Burton wrote the Attorney General regarding a 49-page FBI lab report that on page 49 references the use of military tear gas at Waco. He stated that the Department had failed to produce that page to the Committee on Government Reform during the Committee's Waco investigation in 1995, and asserted that this failure "raises more questions about whether this Committee was intentionally misled during the original Waco investigation."[105] In a subsequent television interview, Chairman Burton stated, "with the 49th page of this report not given to Congress when we were having oversight investigations into the tragedy at Waco and that was the very definitive piece of paper that could have given us some information, it sure looks like they were withholding information."[106]

The Facts: Evidence regarding the use of "military rounds" of tear gas was in Chairman Burton's own files at the time he alleged that the Department of Justice had withheld this information. Within days after Chairman Burton's allegations, the minority staff found several documents provided by the Department of Justice to Congress in 1995 that explicitly describe the use of military tear gas rounds at Waco on April 19, 1993.[107]

Further, contrary to Chairman Burton's allegations, the Department of Justice in fact had

produced to the Committee copies of the FBI lab report that did include the 49th page. Former Senator John Danforth, whom the Attorney General appointed as a special counsel to conduct an independent investigation of Waco-related allegations, recently issued a report that commented as follows on document production to congressional committees:

> [W]hile one copy of the report did not contain the 49th page, the Committees were provided with at least two copies of the lab report in 1995 which did contain the 49th page. The Office of Special Counsel easily located these complete copies of the lab report at the Committees' offices when it reviewed the Committees' copy of the 1995 Department of Justice production. The Department of Justice document production to the Committees also included several other documents that referred to the use of the military tear gas rounds, including the criminal team's witness summary chart and interview notes. The Special Counsel has concluded that the missing page on one copy of the lab report provided to the Committees is attributable to an innocent photocopying error and the Office of Special Counsel will not pursue the matter further.[108]

Allegation: In November 1999, Chairman Burton appeared on television and claimed that FBI notes of interviews with John Huang show that the President was a knowing participant in an illegal foreign campaign contribution scheme. According to the Chairman, "Huang says that James Riady told the President he would raise a million dollars from foreign sources for his campaign," that "$700,000 was then raised by the Riady group in Indonesia," and that "that money was reimbursed by the Riadys through intermediaries in the United States. All that was illegal campaign contributions." He further stated: "[T]his $700,000 that came in – the President knew that James Riady was doing it. He knew it was foreign money coming in from the Lippo Group in Jakarta, Indonesia, and he didn't decline it. He accepted it, used it in his campaign, and got elected."[109]

The Facts: The FBI interview notes do not support the Chairman's allegation. The FBI notes of interviews with Mr. Huang do indicate that Mr. Riady, who was a legal resident at the time, told President Clinton that he would like to raise one million dollars.[110] The notes do not indicate, however, that Mr. Riady discussed the source of the contributions he intended to raise, and Mr. Huang told the FBI that he personally never discussed individual contributions or the sources of such contributions with the President.[111]

In December 1999, John Huang appeared before the Committee. He testified that he had no knowledge regarding whether President Clinton knew of foreign money coming from the Lippo group to his campaign, and that he did not believe that the President knew about it. He further stated that he had no knowledge that Mr. Riady indicated to the President the source of the money he intended to raise.[112] In addition, Mr. Huang testified that, as far as he knew, President Clinton had not participated in or had any knowledge of efforts to raise illegal foreign campaign contributions.[113]

Allegation: In December 1999, Chairman Burton alleged that the White House prevented White House Communications Agency (WHCA) personnel from filming the President

meeting with James Riady, a figure from the campaign finance investigation, at an Asia-Pacific Economic Cooperation (APEC) summit meeting in New Zealand in September 1999. During a December 15, 1999, hearing entitled "The Role of John Huang and the Riady Family in Political Fundraising," Chairman Burton showed the two tapes made by the WHCA personnel, and then showed a video filmed by a press camera. Of the third tape, the Chairman said:

> **That shows a little different picture. The White House tapes don't show it, but President Clinton really did pay some special attention to Mr. Riady. This White House is so consumed with covering things up that their taxpayer-funded photographer wouldn't even allow a tape to be made of the President shaking Mr. Riady's hand. No one minded the President meeting Mr. Riady. They just didn't want anyone to know how warmly he was greeted because of the problems surrounding Mr. Riady.[114]**

The Facts: President Clinton shook James Riady's hand in a rope line in New Zealand in September 1999. One of the WHCA cameras filming the President from the side stopped filming as the President greeted Mr. Riady. The other camera, filming the President head-on, panned away from the President as he moved down the rope line and did not return to him until he moved past Mr. Riady. The third camera, the camera Chairman Burton claimed was operated by a member of the press, captured the whole exchange between the President and Mr. Riady. This exchange lasted approximately 10 seconds and consisted of a handshake and a brief, inaudible conversation.

Committee staff interviewed Jon Baker, the person who operated the camera filming the President from the side, and Quinton Gipson, the person who operated the camera filming the President head-on. Mr. Baker told staff that no one instructed him not to film the President and Mr. Riady and he did not know who Mr. Riady was. Similarly, Mr. Gipson said he did not know who James Riady was and that he did not get any guidance about taping the event from anyone.

WHCA policy is to film any remarks the President gives, but not necessarily to film every move the President makes. WHCA camera operators do not take direction from the White House about how to cover events. Mr. Baker told Committee staff that he stopped filming when he did because he had to pack up his equipment and rush to join the motorcade and it was a coincidence that neither he nor the other cameraman captured the full exchange between the President and Mr. Riady.

Allegation: In July 2000, Chairman Burton said a videotape of a December 15, 1995, coffee at the White House indicates that Vice President Gore suggested that DNC issue advertisements be played for Democratic donor James Riady, who has been the subject of campaign finance probes. According to the Chairman, Vice President Gore "apparently

states: 'We oughta, we oughta, we oughta show Mr. Riady the tapes, some of the ad tapes.'"[115]

The Facts: Chairman Burton played the videotape at a July 20, 2000, hearing of the Government Reform Committee. However, it was not possible to determine what was said on the tape. Further, it was impossible to determine to whom the Vice President was speaking because he was not on camera during the alleged comment. A *Reuters* reporter describing the playing of the videotape at the hearing wrote, "Gore's muffled words were not clear."[116]

When Chairman Burton played the tape on Fox Television's program *Hannity and Colmes*, the person whose job it is to transcribe the show transcribed the tape excerpt as follows:

> We ought to -- we ought to show that to (unintelligible) here, let (unintelligible) tapes, some of the ad tapes (unintelligible).[117]

Allegation: In October 2000, the House Government Reform Committee majority released a report claiming that the Committee's investigation of White House e-mail problems had uncovered a scandal that exceeds Watergate. The majority report asserted:

> **The implications of these revelations are profound. When the Nixon White House was forced to admit that there was an eighteen-and-a-half minute gap on a recorded tape, there was a firestorm of criticism. The "gap" created by hundreds of thousands of missing e-mails, and by a Vice Presidential staff decision to manage records so they could not be searched, is of no less consequence. If senior White House personnel were aware of these problems, and if they failed to take effective measures to recover the withheld information – or inform those with outstanding document requests – then *the e-mail matter can fairly be called the most significant obstruction of Congressional investigations in U.S. history. While the White House's obstruction in Watergate related only to the Watergate break-in, the potential obstruction of justice by the Clinton White House reaches much further.*[118]**

The Facts: Several problems relating to the e-mail archiving system at the White House over the past few years prevented a subset of White House e-mails from being archived. These problems may have had some impact on White House document production, because the White House conducted searches of archived e-mails to respond to information requests from investigators. The Committee received no information that any White House official intentionally created the e-mail problems, made any attempt to impede investigation of the problems, or had any knowledge of the content of e-mails that may not have been captured.[119]

Citations

1. The minority staff of the Government Reform Committee estimates that the costs of the congressional campaign finance investigations alone have exceeded $23 million. This figure includes $8.7 million that a 1998 General Accounting Office report found federal agencies reported spending on responding to congressional inquiries on campaign finance matters; over $8 million that the House Government Reform Committee has spent on its campaign finance investigation; $3.5 million that the Senate Governmental Affairs Committee spent on its campaign finance investigation; $1.2 million authorized for the House Committee on Education and the Workforce's investigation of allegations of campaign finance abuses concerning the Teamsters; and $2.5 million authorized for a select committee that investigated allegations that the Clinton Administration gave missile technology to China in exchange for campaign contributions. *See GAO Survey of Executive Branch Cost to Respond to Congressional Campaign Finance Inquiries* (June 23, 1998); House Committee on Government Reform and Oversight, *Interim Report: Investigation of Political Fundraising Improprieties and Possible Violations of Law, Additional and Minority Views,* 105th Cong, 3968-69 (1998) (H. Rept. 105-829). When the costs of investigating allegations in addition to the campaign finance allegations are included, the total costs likely significantly exceed $23 million. Many of these additional investigations involved substantial congressional resources as well as executive branch resources to respond to inquiries. For example, to investigate allegations concerning the government's actions at Waco, Texas, the House Government Reform Committee has conducted at least 82 interviews, and has received over 750,000 pages of documents from the Justice Department and the Defense Department in response to Committee requests.

2. CBS, *CBS Morning News* (Oct. 20, 1997).

3. CBS, *CBS This Morning* (Oct. 20, 1997).

4. NBC, *NBC News At Sunrise* (Oct. 20, 1997).

5. NBC, *Today* (Oct. 20, 1997).

6. ABC, *ABC World News Sunday* (Oct. 19, 1997).

7. CNN, *CNN Early Prime* (Oct. 19, 1997).

8. CNN, *CNN Morning News* (Oct. 20, 1997).

9. CNN, *Headline News* (Oct. 20, 1997).

10. CNN, *Early Edition* (Oct. 20, 1997).

11. Fox, *Fox Morning News* (Oct. 20, 1997).

12. Fox, *Fox News Now/Fox In Depth* (Oct. 20, 1997).

13. *Tapes May Have Been Altered, Rep. Burton Says; Clinton Aide Decries Chairman's 'Innuendo'* (Oct. 20, 1997).

14. *GOP Suggests Tapes Altered* (Oct. 20, 1997).

15. *GOP Suspects White House Altered Fund-raising Tapes* (Oct. 20, 1997).

16. *Panel May Use Lip Readers to Check Fund-raising Tapes* (Oct. 20, 1997).

17. *Tape-Tampering Denied* (Oct. 21, 1997).

18. Senator Thompson announced these findings on NBC's *Meet the Press* (Dec. 7, 1997). Only a handful of media outlets reported this announcement, and these reports focused on other campaign finance issues and mentioned the Thompson announcement only at the very end of the accounts. *E.g., Reno and Freeh to Testify, Morning Edition*, National Public Radio (Dec. 9, 1997) (reporting on the upcoming House Government Reform and Oversight Committee hearing on the independent counsel decision and noting Senator Thompson's announcement at the very end). Beyond coverage of Senator Thompson's announcement, one article reported that Paul Ginsburg, a technical expert hired by the Senate Governmental Affairs Committee, had found no signs of doctoring. *See Expert: Coffee Tapes Are Clean*, Newsday (Nov. 8, 1997), and the "Real Deal" segment at the end of *Face the Nation* on November 2, 1997, followed up on Rep. Burton's allegation to report that Mr. Ginsburg was going to report that there was no doctoring.

19. *See, e.g.*, Congressional Record, H5632 (July 13, 1994).

20. Office of Independent Counsel, *Report on the Death of Vincent W. Foster, Jr. (In Re: Madison Guaranty Savings & Loan Association)*, 5 (Oct. 10, 1997) (citing Federal News Service (Aug. 10, 1993)).

21. *Id.* at 7 (citing *Report of the Independent Counsel Robert B. Fiske, Jr., In Re: Vincent W. Foster, Jr.*, at 58).

22. *Id.* at 111.

23. *Former Clinton Aide Faces Questions on Memo; Document Suggests that First Lady Was Behind Firings in Travel Office*, Milwaukee Journal Sentinel (Jan. 6, 1996).

24. House Committee on Government Reform and Oversight, *Hearing, White House Travel Office – Day Three*, 104th Cong., 111 (Jan. 24, 1996).

25. Press Release, Office of the Independent Counsel (June 22, 2000).

26. Congressional Record, H6633 (June 20, 1996).

27. House Committee on Government Reform and Oversight, *Investigation of the White House and Department of Justice on Security of FBI Background Investigation Files*, 104th Cong., 16 (1996) (H. Rept. 104-862).

28. Office of Independent Counsel, *Report of the Independent Counsel (In Re: Madison Guaranty Savings and Loan Association) In Re: Anthony Marceca*, 7-8 (March 16, 2000).

29. CNN, *Late Edition with Frank Sesno* (Feb. 16, 1997).

30. Congressional Record, H4097 (June 20, 1997).

31. *See Senate Panel Is Briefed on China Probe Figure; Officials Say Evidence May Link L.A. Businessman to Election Plan*, Washington Post (Sept. 12, 1997).

32. *E.g.*, CBS Evening News (June 11, 1997); *Huang Leaked Secrets, GOP Lawmaker Says,* Los Angeles Times (June 13, 1997); *Republican Lawmaker Alleges Huang Passed Secrets; Communications with Lippo Group Questioned,* Baltimore Sun (June 13, 1997); *Congressman Says Evidence Confirms Huang Passed Secrets – The House Rules Chairman Says Information Was Given to the Lippo Group,* Fort Worth Star-Telegram (June 13, 1997); *Huang Gave Classified Data to Lippo, Lawmaker Claims,* Austin American-Statesman (June 13, 1997); *Huang Accused of 'Economic Espionage,'* Cincinnati Enquirer (June 13, 1997); *Legislator Alleges Fund-raiser Gave Classified Data to Overseas Company*, Las Vegas Review-Journal (June 13, 1997); *Dem Donor 'Breached Security' Lawmaker Accuses Ex-Clinton Appointee,* Arizona Republic (June 13, 1997); *Congressman Alleges Huang Passed Secret Data to Firm; White House, FBI Decline to Comment on Solomon's Remarks,* Milwaukee Journal Sentinel (June 13, 1997).

33. Gerald Solomon Interview FD-302 at 1 (Aug. 28, 1997).

34. Gerald Solomon Interview FD-302 at 1 (Feb. 11, 1998).

35. CNN, *Inside Politics* (Aug. 27, 1997).

36. *GOP Lawmaker Seeks Counsel to Probe O'Leary-Chung Tie,* Buffalo News (Aug. 22, 1997).

37. Notification to the Court Pursuant to 28 U.S.C. §592 (b) of Results of Preliminary Investigation (Dec. 2, 1997).

38. *Id.* The House Government Reform and Oversight Committee also discovered that fact. The Committee deposed several individuals, including Secretary O'Leary, to investigate the allegation by Mr. Chung regarding Secretary O'Leary. The Committee scheduled a hearing on the matter, but, upon discovering the allegation was false, canceled the hearing.

39. NBC's *Meet the Press* (Sept. 14, 1997).

40. *White House Denies Role in Audit of Jones; IRS Has History of Targeting 'Enemies,'* Washington Times (Sept. 16, 1997).

41. *E.g., Whistleblowers' Letter, Newspapers Alert Agency,* Washington Times (Sept. 29, 1997); *Conservatives Suspect IRS Audit Is Price of Opposing Clinton Policies,* Washington Times (Apr.

21, 1997); *Politics and the IRS,* Wall Street Journal (Jan. 9, 1997).

42. Staff of the Joint Committee on Taxation, *Report of Investigation of Allegations Relating to Internal Revenue Service Handling of Tax-Exempt Organization Matters* (March 2000).

43. *Id.* at 7.

44. House Committee on Government Reform and Oversight, *Hearings on Conduit Payments to the Democratic National Committee*, 105th Cong., 7 (Oct. 9, 1997) (H. Rept. 105-51).

45. *Id.* at 257, 271.

46. Minority Staff Report, House Committee on Government Reform and Oversight, *Evidence that John Huang Was in New York City on August 15, 16, 17, and 18* (Oct. 9, 1997).

47. House Committee on Government Reform, *Hearing on the Role of John Huang and the Riady Family in Political Fundraising*, 108 (Dec. 15, 1999) (stenographic record).

48. House Committee on Government Reform, *Hearing on the Role of Yah Lin "Charlie" Trie in Illegal Political Fundraising*, 250-52 (March 1, 2000) (stenographic record).

49. House Committee on Government Reform and Oversight, *Hearings on Campaign Finance Improprieties and Possible Violations of Law*, 105th Cong., 11-12 (Oct. 8, 1997) (H. Rept. 105-50).

50. Proffer of Nora and Gene Lum to the Committee on Government Reform and Oversight (Aug. 22, 1997).

51. *E.g.*, *Story of a Foreign Donor's Deal With '92 Clinton Camp Outlined*, Washington Post (Oct. 9, 1997); *House Panel to Hear of '92 Clinton Donation Problem Probe*, Los Angeles Times (Oct. 9, 1997).

52. Proffer of Nora and Gene Lum, *supra* note 50, at Part B.1-3.

53. Deposition of Richard C. Bertsch, House Committee on Government Reform and Oversight, ex. 12 (March 30, 1998). The letter was addressed to Richard Choi Bertsch, who worked for an organization called the Asian Pacific Advisory Council-VOTE ("APAC") which conducted get-out-the-vote and fund-raising activities in the Asian-American community in California in 1992. *Id.* at 10-13, 20-22.

54. CBS's *Face the Nation* (Oct. 19, 1997).

55. Senate Committee on Governmental Affairs, *Investigation of Illegal or Improper Activities in Connection with 1996 Federal Election Campaigns,* 105th Cong., v. 6, 9345-46 (1998) (S. Rept. No. 167); *Meet the Press* (Dec. 7, 1997) (interview with Senator Thompson).

56. Deposition of Joseph Simmons, House Committee on Government Reform and Oversight, 149 (Oct. 18, 1997); Deposition of Alan P. Sullivan, House Committee on Government Reform and Oversight, 37 (Oct. 17, 1997); Deposition of Steven Smith, House Committee on Government Reform and Oversight, 99 (Oct. 18, 1997).

57. The conservative publication *Insight* magazine reported that "dozens of big-time political donors or friends of the Clintons" had gained waivers of the eligibility rules regarding burials at Arlington National Cemetery. Without naming its sources, the article stated that a "national cemetery official" and other sources are "outraged that the Clinton White House has applied pressure to gain waivers for fat-cat donors." *Is There Nothing Sacred?*, Insight Magazine (dated Dec. 8, 1997, but reportedly released in advance of that date).

58. *White House Denies Burial Politics*, Atlanta Constitution (Nov. 21, 1997); *Burton to Probe Plots-for-Politics Allegations*, Indianapolis Star News (Nov. 21, 1997).

59. Press Release, Rep. Gerald Solomon (Nov. 20, 1997).

60. General Accounting Office, *Arlington National Cemetery: Authority, Process, and Criteria for Burial Waivers*, 2-3, appendix 1 (Jan. 28, 1998) (GAO/T-HEHS-98-81).

61. *Id.* at 1.

62. *Id.* at 9.

63. House Committee on Government Reform and Oversight, *Hearings on the Department of the Interior's Denial of the Wisconsin Chippewa's Casino Application*, 105th Cong., v.1, 106, 340 (Jan. 28, 1998).

64. Office of Independent Counsel, *Final Report of Independent Counsel In Re: Bruce Edward Babbitt,* 430, 441 (Aug. 22, 2000).

65. *Burton's Pursuit of President,* Indianapolis Star (Apr. 16, 1998).

66. Congressional Record, H4545 (June 11, 1998).

67. *Subpoena Widens Finance Probe; Request for White House Papers Covers 25 Categories, Copy Shows,* Washington Post (Aug. 15, 1997).

68. House Committee on Government Reform and Oversight, *Investigation of Political Fundraising Improprieties and Possible Violations of Law,* 105th Cong, 3978 (1998) (H. Rept. 105-829).

69. Letter from Rep. Henry Waxman to Chairman Dan Burton (May 3, 1998).

70. *Bridling G.O.P. Leader Says Tapes Speak for Themselves*, New York Times (May 5, 1998); *Burton Defends Hubbell Transcript Actions*, Washington Post (May 5, 1998).

71. *Opening Statement by Chairman Burton*, House Committee on Government Reform and Oversight, Business Meeting, 6-13 (Apr. 23, 1998); Congressional Record, H2338 (Apr. 28, 1998); Congressional Record, H2444 (Apr. 29, 1998).

72. Congressional Record, H2336 (Apr. 28, 1998).

73. Congressional Record, H3453 (May 19, 1998).

74. House Committee on Government Reform and Oversight, Business Meeting, 87 (Apr. 23, 1998) (stenographic record).

75. Deposition of Larry Wong, House Committee on Government Reform and Oversight, 13-14, 19, 26-27, 43, 52, 57 (July 27, 1998).

76. *Id.* at 85.

77. Congressional Record, H3239 (May 13, 1998).

78. *GOP Breaking China Over Clinton's Deals,* National Journal (May 23, 1998).

79. *See Internal Justice Memo Excuses Loral*, Los Angeles Times (May 23, 2000).

80. Memorandum from Lee Radek to James Robinson, Assistant Attorney General, Criminal Division (Aug. 5, 1998).

81. The Addendum to Interim Report for Janet Reno and Louis Freeh Prepared by Charles La Bella and James DeSarno (Aug. 12, 1998).

82. House Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China, 105th Cong., 2nd Sess. (Committed to the Committee of the Whole House, Jan. 3, 1999; Declassified in Part, May 25, 1999) (H. Rept. 105-851).

83. Letter from Rep. David McIntosh to Attorney General Janet Reno (Sept. 17, 1998).

84. *Database Criminal Probe Sought,* Washington Post (Sept. 9, 1998).

85. Letter from Rep. David McIntosh to Attorney General Janet Reno (Sept. 17, 1998); House Committee on Government Reform and Oversight, *Investigation of the Conversion of the $1.7 Million Centralized White House Computer System, Known as the White House Database, and Related Matters*, 105th Cong., 574-581 (Oct. 30, 1998) (H. Rept. 105-828).

86. Letter from M. Faith Burton, Special Counsel to the Assistant Attorney General, to Rep. David McIntosh (May 6, 1999).

87. House Committee on Government Reform and Oversight, *Investigation of the Conversion of the $1.7 Million Centralized White House Computer System, Known as the White House Database, and Related Matters*, 105th Cong., 1-6, 33-44 (Oct. 30, 1998) (H. Rept. 105-828).

88. *Id.*, Minority Views, 564-68.

89. Letter from Chairman Dan Burton to Attorney General Janet Reno (March 22, 1999).

90. *Id.*

91. Charles Duncan's Responses to Interrogatories (Apr. 20, 1998).

92. Letter from Chairman Dan Burton to Attorney General Janet Reno, *supra* note 89.

93. Statement of Steven C. Clemons (Feb. 25, 1998); Letter from Rep. Henry A. Waxman to Attorney General Janet Reno (Apr. 13, 1999).

94. Statement of Alan Gershel, Deputy Assistant Attorney General, Department of Justice, House Committee on Government Reform, *Hearing on Contacts between Northrop Grumman Corporation and the White House Regarding Missing White House E-Mails* (Sept. 26, 2000).

95. Press Release, Chairman Burton, *Burton Angered by Harassment of Witness* (June 29, 1999).

96. Letter from Rep. Henry Waxman to Chairman Dan Burton (July 15, 1999).

97. Testimony of Chairman Dan Burton, House Rules Committee (July 15, 1999) (available at www.house.gov/reform/oversight/99_07_15db-rules.htm).

98. *See* Letter from Russell J. Bruemmer, Wilmer, Cutler & Pickering, to Richard L. Huff, Co-Director, Office of Information and Privacy, Department of Justice (March 31, 1995).

99. Letter from Wallace H. Cheney, Assistant Director/General Counsel, Federal Bureau of Prisons, to Joseph M. Gabriel, Law Offices of Langberg, Leslie and Gabriel (March 2, 1995); Letter from Bonnie L. Gay, Attorney-in-Charge, FOIA/PA Unit, Executive Office of United States Attorneys, Department of Justice, to Joseph M. Gabriel (Dec. 15, 1994); *See* Letter from Magda S. Ortiz, FOIA/PA Reviewing Officer, Immigration and Naturalization Service, to Rebekah Poston (Dec. 6, 1994) (explaining that a potentially responsive record was illegible and requesting additional information); Letter from Russell J. Bruemmer, Wilmer, Cutler & Pickering, to Richard L. Huff, Co-Director, Office of Information and Privacy, Department of Justice (March 31, 1995) (explaining that the INS searched for, but ultimately could not find, a record responsive to the FOIA request).

100. Testimony of Richard Huff and Rebekah Poston, House Government Reform Committee, *Felonies and Favors: A Friend of the Attorney General Gathers Information from the Justice Department*, 129-31 (July 27, 2000) (stenographic record).

101. Testimony of John Schmidt and John Hogan, House Committee on Government Reform, *Felonies and Favors: A Friend of the Attorney General Gathers Information from the Justice Department*, 120-23, 128, 140-41 (July 27, 2000) (stenographic record).

102. Memorandum from Attorney General Janet Reno to Staff of the Attorney General (Apr. 28, 1995).

103. House Committee on Government Reform, *Felonies and Favors: A Friend of the Attorney General Gathers Information from the Justice Department,* 154 (July 27, 2000) (stenographic record).

104. *Morning Edition*, National Public Radio (Aug. 31, 1999).

105. Letter from Chairman Burton to Attorney General Janet Reno (Sept. 10, 1999).

106. Fox News, *Fox News Sunday* (Sept. 12, 1999).

107. Letter from Rep. Henry Waxman to John Danforth, Special Counsel (Sept. 13, 1999); FBI FD-302 of FBI Agent (June 9, 1993) (reporting that a pilot heard "a high volume of [Hostage Rescue Team] traffic and Sniper [Tactical Operations Command] instructions regarding . . . the insertion of gas by ground units," including "one conversation, relative to utilization of some sort of military round to be used on a concrete bunker"); FBI H.R.T. Interview Schedule (Nov. 9, 1993) (summarizing an interview with an FBI agent and stating that "smoke on film came from attempt to penetrate bunker w/1 military and 2 ferret rounds" and further describing the military round as "Military was . . . bubblehead w /green base"); Handwritten notes (April 19, 1993) (making repeated references to military rounds fired on April 19, 1993, such as "smoke from bunker came when these guys tried to shoot gas into the bunker (military gas round)").

108. John C. Danforth, Special Counsel, *Interim Report to the Deputy Attorney General Concerning the 1993 Confrontation at the Mt. Carmel Complex, Waco, Texas*, 54 (July 21, 2000).

109. MSNBC, *Watch It! With Laura Ingraham* (Nov. 2, 1999).

110. John Huang Interview FD-302 at 19 (Jan. 19 - Feb. 10, 1999).

111. John Huang Interview FD-302 at 129 (Feb. 23 - March 26, 1999).

112. House Committee on Government Reform, *Hearings on the Role of John Huang and the Riady Family in Political Fundraising*, 104 (Dec. 15, 1999) (stenographic record).

113. *Id.* at 95.

114. House Committee on Government Reform, *Hearings on the Role of John Huang and the Riady Family in Political Fundraising,* 15-16 (Dec. 15, 1999) (stenographic record).

115. Letter from Chairman Dan Burton to Attorney General Janet Reno, 2 (July 18, 2000).

116. *Justice Department Won't Discuss Gore Video*, Reuters (July 21, 2000).

117. Fox, *Hannity and Colmes* (July 19, 2000).

118. House Committee on Government Reform, *The Failure to Produce White House E-Mails: Threats, Obstruction and Unanswered Questions*, 106th Cong., viii (Oct. 2000) (emphasis added).

119. *Minority Views on the E-mail Investigation, Executive Summary* (Oct. 5, 2000).

EXHIBIT 4

U. S. Department of Justice

Washington, D.C. 20530

AUG 0[illegible]

TO: James K. Robinson
Assistant Attorney General
Criminal Division]

FROM: Lee J. Radek
Chief
Public Integrity Section
Criminal Division

SUBJECT: Review of Interim Report

The Public Integrity Section has carefully reviewed the "Interim Report" prepared by Charles LaBella, former Supervising Attorney for the Campaign Financing Task Force, and James DeSarno, Assistant Director, Federal Bureau of Investigation (FBI), CAMPCON (Task Force). The Report presents the authors' views of the standards set out in the Independent Counsel Reauthorization Act of 1994 (the Act), and recommends that the Attorney General seek appointment of an independent counsel to handle campaign financing matters. The Report also makes individual recommendations with respect to the President and Vice President (the only covered persons discussed in the Report) and a number of persons not covered by the Act, recommending in each case that an independent counsel should be sought to investigate further. Finally, drawing upon the observations of these two individuals, the Report makes a number of recommendations for changes, legislative and policy, with respect to our handling of campaign finance matters. These merit further review and consideration by the Department, but will not be discussed further in this memorandum.

I am troubled that the Report ignores the purposes that we had hoped to see accomplished in the course of this undertaking. The Report does not provide an in-depth summary or overview of the work of the Task Force, what it has accomplished and where it is headed. It offers no framework or plan for completing the work that these two supervisors have begun. It does not set out the authors' view of the appropriate role of the Department of Justice in addressing campaign financing issues -- what we can and should be seeking to accomplish -- or how that role has been and will be fulfilled through the work of the Task Force. I find

the Interim Report disappointing in this regard, to say the least.

The bulk of the Report, rather, is devoted to a recommendation that the Attorney General refer the entire campaign financing matter[1] to an Independent Counsel. It is that portion of the Report that I will address in depth here. It is my conclusion that the recommendation is flawed and based on numerous misinterpretations of the Independent Counsel Act.

One point must be made at the outset. I am, to put it directly, outraged by the personal attacks and the suggestions contained in this Report, some subtle and some stunningly blunt, that the motivations of those who have advised the Attorney General over the last two years concerning the application of the Act with respect to campaign financing matters have been colored by bad faith, a deliberate twisting of the law and an effort to protect the White House. We have worked closely with these two individuals over many months, and while we certainly have had our disagreements, I am shocked that they should harbor such views. For example, they describe the attitudes and participation in the investigative process of those who have taken positions with which they disagree as "result oriented," "going through contortions," "gamesmanship," and "intellectually dishonest." Of course, these two officials of the Department are entitled to communicate their concerns to you, and if they had such concerns, should have done so long ago and cleared the air in a forum in which they would have remained confidential. It is inexcusable, and I believe clearly calculated, that they have chosen to communicate their views about others within the Department in a memorandum that is the subject of such intense public interest, and is therefore likely to be leaked or become public through some other route.

1. Complaints about "Stovepipe" Approach to the Investigation

It is not clear to me what the Report's concern is in this section of the memorandum. The Report seems to express a view that the Task Force's work is being conducted as an uncoordinated group of individual investigations, with no one assessing the "big picture."

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[1] We assume that this is the recommendation, although the Report nowhere is explicit as to whether it is recommending independent counsels with respect to specific alleged violations purportedly committed by specific individuals, or a general "campaign financing" independent counsel, with jurisdiction over all allegations of campaign financing abuse within the statute of limitations.

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First of all, all decisions about how to structure the Task Force's investigation have been made by the Task Force command structure; to the extent there has been any failure to incorporate an unified approach or engage in an interlocking analysis of all the facts, I am unable to comment. However, I can say that in all the decades of experience I have had in the Department, I am unaware of any previous effort that has been as carefully coordinated and in which such extensive steps have been taken to ensure that any overlapping evidence or potentially interlocking cases is not overlooked. All task force matters nationwide have been directly supervised for the past year by one person, Mr. LaBella, whose job it was to make sure that the forest was not overlooked for the trees. A single team of FBI agents and other investigative personnel reported directly to one FBI supervisor, Mr. DeSarno. To the extent that these two may have become enmeshed in the details of individual investigations and cases, there were weekly, and often twice weekly meetings, with the Deputy Attorney General and the Attorney General to review developments and progress, with overlaps and interconnections a constant topic of review. If there is a "big picture" that is being ignored by the Task Force, prompt steps should be taken by its new head to address that failure.

One factual assertion must be addressed here. The Report contends that the Task Force's efforts to do a broad survey of the "entire campaign finance landscape" have been "rejected," and that under our approach to the Independent Counsel Act, evidence of wrongdoing "must just appear." This is simply untrue, and I am unaware of any occasion when this has happened. The Task Force generally and Mr. LaBella personally, to my knowledge and in my presence, have been repeatedly told that no investigative steps were closed to them, that they are free to follow any leads, and that if their efforts develop specific and credible information that any covered person may have violated the law, the Attorney General will trigger the Act.

The two examples the Report cites in fact illustrate how off the mark this complaint is. The Common Cause allegations were thoroughly considered, analyzed at length, and closed on their merits. Even so, the Task Force has repeatedly been assured that to the extent the facts underlying the Common Cause allegations are relevant to its investigation, it is free to explore them. The other example, the so-called "core group" investigative approach, was pursued by the Task Force for a period of time and eventually dropped by the Task Force because it was unproductive; no one instructed the Task Force that it could not conduct such a review.[2]

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[2] Indeed, this effort was insisted upon by Director Freeh, and numerous agents were directed to turn their attention to a pursuit of this unpredicated investigation at a time when the

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Director Freeh's December 1997 testimony before the House Government Reform and Oversight Committee on the progress of the investigation is illuminating on this point. He repeatedly assured Congress that while there had been disagreements from time to time over investigative strategy, the investigation had not been impeded or blocked. In response to a question from Congressman Burton as to whether the FBI felt that its ability to investigate the campaign financing matters had been impeded by the Department, Director Freeh responded:

> Not impeded in the sense that they were unable to conduct what we believe is the requisite investigation. There have been complaints and there have been differences between prosecutors and agents in this case -- again, not an uncommon phenomenon -- about the scope or the direction or the perspective, but those have been, to my satisfaction, resolved without the investigation being harmed or impeded.

To summarize, I agree entirely that it has been important that this project be handled as an unified task force undertaking, rather than having the individual cases parcelled out to the United States Attorneys' Offices, as would normally be the case. That was accomplished through the supervision of the two individuals who have authored this report. Weekly meetings have been held to ensure that patterns and the possibility of overlapping or connected schemes were identified and discussed. The Attorney General has asked repeatedly as the investigation has progressed whether information has been developed that warrants reconsideration of the Independent Counsel issue and has repeatedly been told by these two individuals, responsible for coordination of the entire investigation, that there is no such information.

2. The Independent Counsel Act

The Report argues that the Department has improperly and inconsistently interpreted the Independent Counsel Act in its approach to matters arising under the Task Force jurisdiction. I believe that the authors of the Report have misunderstood, and in some instances mischaracterized, the recommendations of the Criminal Division to the Attorney General, which have provided the analytical foundations on which her final conclusions have rested. In some crucial aspects as well, I suggest that the

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Task Force was attempting to review large quantities of documents that had been obtained from the Democratic National Committee (DNC). This led to delay in the review of documents, and resulted in the discovery of important evidence by the press before we were aware of it. Mr. LaBella's appointment was a direct result of the ensuing furor.

Report misinterprets the Act.

(a) "Evidence" and "Information"

The first issue, which permeates the Report's discussion of the Independent Counsel Act, is an assertion that the Act has been misapplied because from time to time the Public Integrity Section has used the phrase "specific and credible evidence" rather than the statutory language, "specific and credible information" to describe the standard that governs the determination of whether a preliminary investigation is warranted. The Report states that this "raises the threshold" for triggering the Act, and that a difference in meaning between the two words, while "subtle, is significant."

If there was confusion on this issue, it should have been raised and clarified long ago; as they have been used by us, the two words carry the same meaning. In describing the requirements of the Act, we do not always parrot its wording, but use words that we regard as equivalent in meaning. In this case the two words both make it clear that the Act requires facts, rather than speculation or mere allegation, upon which a decision may be based. We have never suggested in any context that proof of an offense was required before the Act is triggered, as the Report suggests at page 10.

The Report claims that we have failed to distinguish between evidence and information but does not explain what it views that difference to be. It further claims that this failure has affected the "conclusions reached in these matters," but fails to explain how. We note that the Report fails to identify any particular independent counsel analysis dealing with matters under the Task Force's jurisdiction which it believes was erroneous because of this purportedly altered standard.

To reiterate, we have not used the word "evidence" in any technical or specialized way; it is merely an alternative phrasing to the statutory word "information." Both words are intended to convey the identical meaning -- a requirement that our conclusions be based on facts rather than speculation or innuendo.

In every case in which the Public Integrity Section has been asked since the first enactment of the predecessor of the Act, to analyze the question of whether the Act has been triggered, it has applied the same standard. It explores whether we have "information sufficient to constitute grounds to investigate" whether a person covered by the Act may have committed an offense. 28 U.S.C. § 591(a). In determining whether we have such information, we are to consider the specificity and credibility of the information; if "the Attorney General determines that the information is specific and from a credible

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source, the Attorney General shall, upon making that determination, commence a preliminary investigation [.]" 28 U.S.C. § 591(d)(2). This is the standard that has been applied to each matter under the Act, and to each allegation that has arisen within the context of the campaign financing investigation.

The Report fundamentally misunderstands the requirements of the Independent Counsel Act -- and as a result leaps to the outrageous conclusion that the Public Integrity Section has engaged in a result-oriented analysis to protect the White House -- when it asserts that different standards have been applied to the various campaign financing matters that have arisen under the Act. In the Babbitt matter there was sworn testimony from a credible individual with no known motive to lie directly contradicting statements Babbitt had made under oath. In the Herman matter, we received detailed allegations from an individual in a position to have first-hand knowledge of the facts that Herman had a concealed financial interest that she had failed to disclose on her financial disclosure forms. There is no such specific and credible information concerning the President or Vice President, the only two covered persons mentioned in the Report, outlined anywhere in the Report or that has been brought to our attention in any other context. Furthermore, this allegation conveniently ignores the fact that both the President and Vice President have been investigated pursuant to the Independent Counsel Act with respect to campaign financing violations; that is, when we were presented with specific information from a credible source, we did not hesitate to trigger the Act.

(b) Dual Standard of Predication

The Report next suggests that the Task Force has an extremely low standard of predication before opening a criminal investigation, and therefore the same standard should govern the determination as to whether the Independent Counsel Act is triggered. The Task Force's predication standard with respect to matters that arise outside the Independent Counsel Act is a matter of prosecutorial discretion, bounded only by the limits of due process, and there well may be sound reasons for it to be so low. Obviously, this power to investigate is subject to tremendous abuse, and should be used only sparingly; in this case the public interest has led the Attorney General to conclude that it is appropriate to pursue investigations we would not otherwise pursue.

The Independent Counsel Act, in contrast, is a statutory standard that we are not free to ignore. Congress did not intend that independent counsels would be appointed merely because there was public concern or congressional pressure to investigate. The "specific and credible information" standard was specifically

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adopted to ensure that there must be concrete factual support for a conclusion that a covered person may have committed a crime before triggering the requirements of the Act. In 1978, when the Act was first passed, only specific information of the offense was required: "The term 'specific information' is used so that the provisions of [the Act] will not apply to a generalized allegation of wrongdoing which contains no specific factual support." S. Rep. 170 at 52. In 1982, concerned that the trigger standard was too low, Congress raised it to add the credibility requirement:

> Public confidence is not served by investigation of meritless allegations made by unreliable sources. [The prior standard requiring only specific information] invites abuse of the special prosecutor process by persons who want to harm the reputations of public officials. Finally, this standard wastes valuable Department of Justice resources by requiring high priority investigations in situations where no one else would be investigated.

S. Rep. 496 at 12. Congress reiterated in 1982 that the specificity requirement meant that "the provisions of [the Act] will not apply to generalized allegations of wrongdoing which contain no factual support." Id.

The Report argues that the legislative history supports the opposite reading. It contends that Congress intended that covered persons should be investigated under the same circumstances that ordinary citizens would be investigated, and that since the Task Force is investigating individuals based only on a "wisp of information" under circumstances where the allegations may be described as "frivolous," the same standard should apply to covered persons. The legislative history is indeed replete with expressions of concern that there be a level playing field with respect to covered persons and ordinary citizens, and that the same standards should apply. However, Congress's concern in making these observations was that the triggering standards were too low, and that covered persons were being subjected to investigations under circumstances where no ordinary citizen would be; it therefore included the "specific and credible" predication standard to approximate the generally applicable standards for initiation of a criminal investigation. See, e.g., FBI General Crimes Guidelines. The prospect that the Department would devote resources to the investigation of unsubstantiated, frivolous allegations against ordinary citizens was simply not a factor in Congress's calculus. See, S. Rep. No. 496 at 11-13 (1982) (discussing need to raise triggering standard so unsupported allegations do not trigger the Act).

We believe the Act itself as well as the legislative history make it clear that the Act is to be triggered only when the

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Department receives specific and credible information suggesting that an individual, either covered by the Act or as to whom it would be a conflict of interest for the Department to investigate, may have committed a violation of federal criminal law. Whatever may be our authority to conduct inquiries of "allegations" without factual support under more flexible standards or for other purposes under our broad prosecutorial discretion with respect to matters not arising under the Act, triggering the Act requires specific and credible information that a crime may have been committed.[3]

This is still an extremely low threshold. In assessing whether the Act is triggered, we lack the discretion to weigh all the traditional factors that we ordinarily consider in deciding whether a matter merits investigation. We cannot consider the

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[3] The Report also argues that since the Attorney General has directed that "no stone be left unturned," and the Task Force is fully investigating all campaign financing allegations whether they appear to be meritorious or not, this constitutes an "established policy" of the Department which ought to govern the determination of whether the Independent Counsel Act is triggered. 28 U.S.C. § 592(c)(1)(B). Following a preliminary investigation, the Department is indeed required to follow established policies with respect to the conduct of investigations pursuant to this provision of the Act. This provision was added in 1982, and is intended to permit, with a report to the Court, the closing of matters as to which we have an established policy against prosecution. See S. Rep. 2059 at 14-15. This provision does not affect and does not come into play with respect to the decision whether to initiate a preliminary investigation, which requires specific and credible information.

It is also worthy of note that while the Report places great stock in the informal public statements of the Attorney General that "no stone be left unturned" as establishing a policy of the Department which we are bound to follow, it advocates that we completely ignore a longstanding written policy of the Department, the Memorandum of Understanding (MOU) with the Federal Election Commission (FEC), discussed infra. Apparently policies are only to be followed if they lead to the results sought by the authors.

It should go without saying that the remarks of the Attorney General describing the approach to a particular investigation could never constitute a written or established policy of the Department under the Act. Otherwise, any Attorney General could predetermine the outcome of the independent counsel decision with such an ad hoc pronouncement.

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minor nature of the alleged offense, the lack of potential jury appeal, the availability of alternative remedies, or the likelihood that the investigation will develop a solid enough case to prove an offense beyond a reasonable doubt. Covered individuals have repeatedly been subjected to a full-scale preliminary investigation and subsequent investigation by independent counsels in circumstances where most prosecutors, exercising prosecutorial discretion, would have declined even to investigate. Public servants covered by the Act do, however, have the statutory protection that the provisions of the Act will not be triggered absent specific and credible information that they may have violated the law. The Report's conclusion that this minimal standard should be set aside in this case has no support in the Act, and indeed appears to us to be the very sort of strained, result-oriented analysis of which it accuses those who disagree with the authors.

3. Specific Recommendations that the Act be Triggered

The Report then makes a series of recommendations that the Independent Counsel Act be triggered with respect to several specific individuals and allegations. Each will be addressed below.

(a) Harold Ickes

Although the Report argues otherwise, Harold Ickes is not a covered person. The Act covers "any officer" of the Clinton/Gore '96 campaign committee "exercising authority at the national level." 28 U.S.C § 591(b)(6). During the campaign, Ickes was Deputy Chief of Staff at the White House with primary responsibility for coordinating the campaign functions among the White House, the DNC, and Clinton/Gore '96; he was not an officer of the campaign. He held no campaign title and received no compensation from the campaign. Nevertheless, the Report argues that because Ickes acted like an officer of the campaign he is a "de facto" covered person under the Act.[4]

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[4] One part of the Report criticizes this Section's handling of independent counsel matters by citing legislative history from the 1987 Reenactment that criticizes the Department for conducting preliminary investigations under the guise of threshold inquiries in order to avoid the Act's reporting requirements. However, in its effort to determine during the 30-day period whether a person may have violated criminal law as required under § 591(a), the Department has always conducted whatever investigation of the facts that could be accomplished in the short amount of time allowed. Indeed, in the Senate Report following the hearings for the latest Reenactment, the Department's closure without preliminary investigation of several matters because the facts proved to be untrue, and others because the facts did not constitute an offense,

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We can find no support in the Act or its legislative history for the "de facto" argument. The Act's coverage provisions are bright line markers. Covered individuals are clearly demarcated by title and salary level. The Act provides that "officers" of the campaign who exercise national authority are covered, not "individuals" who do so even though they are not officers. We are not free to rewrite the statute to cover persons whom Congress chose not to cover. Indeed, the interpretation advanced in the memorandum effectively eliminates half of the statutory provision: it would cover anyone who exercised national authority, regardless of whether they were officers. Again, to reach its conclusion that Ickes is covered, the Report seems to be engaging in the same twisting and stretching of the terms of the Act to reach a desired result of which it accuses those who disagree with its authors.

The Report also hints that Ickes should be considered to be covered under the Act because of his former high-level position in the White House. He held the title of Deputy Chief of Staff, a title that in previous Administrations typically had received sufficient compensation to render the incumbent a covered person under section 591(b)(3). Ickes, however, was compensated at a rate of pay below Level II of the Executive Schedule, which is the statutory cutoff. Under the clear provisions of the Act, he is not and never was covered under this provision. In any event, he left this position well over a year ago, and thus would no longer be covered no matter what his rate of pay may have been.

More persuasive is the argument that because of Ickes' exercise of power and authority with respect to campaign matters, together with his high-level (though again not covered) former position as a White House staffer, he should be found to be covered under the discretionary clause. The Criminal Division has always considered the decision whether to invoke the discretionary clause to be a personal decision entrusted to the Attorney General, and other than notifying the Attorney General when an individual as to whom she may want to consider use of the discretionary clause is under investigation, has avoided weighing in on the merits of the issue.

However, the Report affirmatively asserts that Ickes and others are "covered" under the discretionary clause, seemingly overlooking the fact that the clause is discretionary. The Report asserts that the discretionary clause was "intended to include" certain persons as covered. Report at 25. To the contrary, the discretionary clause was intended to permit the Attorney General to decide that any person as to whom there was a

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were cited as being in compliance with the Statute.

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conflict of interest should be investigated under the provisions of the Act. The legislative history suggests some individuals as examples of persons as to whom the Attorney General might find a conflict, but the provision does not in any way direct that any of these persons are to be considered covered.

The Report recounts at some length the reasons why the Attorney General might determine that she should utilize the discretionary clause with respect to Ickes. Dave Vicinanzo has undertaken a thorough analysis of the information the Task Force has gathered suggesting that Ickes may have violated federal criminal law. Even should the Attorney General ultimately decide to exercise the discretionary cause with respect to Ickes, the restrictive time periods and investigative limitations imposed by the Act do not come into play until that decision is made, and I see no reason why the Attorney General should rush to a conclusion to utilize the discretionary clause. At the very least, a thorough analysis of the information we have and the reasonable inferences that can be based on that information should be completed before any decision is made.

I do note, however, that I am unaware of any case that would support the suggestion in the Report that Ickes is criminally responsible in connection with Charlie Trie's illegal contributions to the DNC because he failed to warn it after learning that Trie had made questionable payments to the President's legal defense fund. The Report offers no case or statutory analysis to support its theory. I understand that Dave Vicinanzo is reviewing this issue as well.

(b) President Clinton

(i) Charlie Trie and the Presidential Legal Expense Trust (PLET) Contributions

The Report next recommends that the Act be triggered with respect to President Clinton. On April 22, 1996, President Clinton appointed his friend Charlie Trie to the Commission on U.S. Trade and Investment Policy (Commission). Approximately one month earlier, Trie had provided the Presidential Legal Expense Trust (PLET) with a large number of donations he claimed to have solicited from the Asian-American community on behalf of the President, many of which PLET subsequently returned because they appeared to be conduit or foreign contributions. When he made the contribution, Trie made comments that suggested he had already been told he was going to be named to the Commission.

The Report goes on to ask a series of rhetorical questions inquiring whether the President may have committed a bribe, knowingly accepted a gratuity, or committed other crimes with respect to the decision to name Trie to the Commission or the handling of PLET decisions, and suggests that while "there may be

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innocent explanations," the only way to know the answers to the questions is to conduct a criminal investigation, and since the President is a covered person, the Independent Counsel Act is therefore triggered.

The authors of the Report apparently recognize that there is absolutely no specific and credible information suggesting that the President committed a crime with respect to any of these matters; the Report identifies none, but rather lists a series of provocative and speculative hypothetical questions it asserts should be answered. It falls back on its argument that since the Task Force investigates allegations and speculation without predication, this matter should be treated the same way. As explained in detail above, this is not the standard of the Independent Counsel Act, and does not govern the decision to trigger the Act.

However, the conduct of Charlie Trie and his role in the solicitation and delivery of illegal campaign contributions, and the degree to which his conduct with respect to the PLET contributions mirrored that role, are clearly matters of legitimate interest to the Task Force. In the course of its investigation of Trie, should the Task Force develop any facts -- as opposed to speculative questions -- suggesting that the President named Trie to the Commission in quid pro quo exchange for his PLET contributions, that will trigger the Act, and we will conduct a preliminary investigation at that time. The Report recognizes, of course, that financial supporters of the Administration are not barred from service to the government, and that the President is free to name his financial and political supporters to a variety of governmental positions without running afoul of the law. Report at 49, n.26. We do not and will not investigate every public official who takes official action that benefits a supporter on the speculation that it may have been a bribe, though I recognize that the current investigation of the Loral matter edges close.[5] If this were the standard, every member of Congress would be under criminal investigation, since each regularly takes official action that benefits his or her supporters.

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[5] The Report's discussion of the Loral matter will be explored in more detail later in this memorandum. In brief, rather than conclude from the Loral precedent that all such matters should be investigated, we suggest that the Loral decision is an anomaly because of the unique circumstances of that matter. We also would recommend that if our initial inquiry does not promptly develop evidence to support a theory that there was criminal conduct with respect to the Loral matter, it should be closed.

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(ii) Knowledge of Foreign Contributions

The Report then recommends that the Act be triggered because the President, Vice President and senior White House officials knew or had reason to know that foreign funds were being funnelled into the DNC. It contends that Johnny Chung was granted access to the White House because he was a contributor to the DNC, and that White House staffers knew he was bringing foreign nationals to the White House for various events. It outlines an exchange of memos and e-mails among mid-level White House staffers expressing some concern about Chung and the individuals he was bringing into the White House. From this, the Report concludes that "the White House" knew that Chung's contributions were illegal conduit contributions of foreign money, and that "it is inconceivable that senior officials at the White House were oblivious to these connections."

It is my view that there is no information whatsoever outlined in the Report to support this conclusion. Far from inconceivable, I think it very unlikely that Chung informed anyone at the White House that his contributions were illegal or that they had any awareness of this fact. Indeed, the focus of the internal communications that are described in the Report was on Chung's apparent representations that he could encourage apparently legal American-Chinese business donations. The internal communications quoted by the Report plainly do not suggest that the authors recognized any possibility that Chung's contributions were illegal in any way.

The Report also contends that the President and others engaged in a "conscious decision not to learn the truth" about Charlie Trie's fund-raising and therefore are guilty of "not alerting the DNC and Clinton/Gore" about potential problems with Trie. Other than the fact that apparently no one in the White House did alert the DNC after the problems with Trie's PLET contributions were uncovered, the Report contains no explanation as to why it concludes that this was potentially criminal. There is no legal or factual analysis offered of the circumstances under which such non-action by individuals outside the campaign might be criminal.

It is my view that the facts described in the Report do not support a conclusion that any covered person may have violated federal criminal law and thus do not trigger the Independent Counsel Act. As noted above, however, Trie's conduct is clearly within the legitimate scope of the Task Force's investigation; if in the course of its continuing review it develops facts, as opposed to speculation, supporting a conclusion that a covered person may have committed a crime relating to Trie's contributions, we will consider at that time whether the Independent Counsel Act has been triggered.

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Finally, the Report argues that "senior White House and high-level DNC personnel" knew or consciously decided to avoid learning the truth about illegal foreign funds in connection with contributions. This is a very brief portion of the Report. It does not identify any facts concerning the President except that he attended coffee. The Report does not explain how or why it reaches the conclusion that based on that attendance, the President knew or should have known than was making illegal contributions of foreign funds. No other covered person is mentioned.

The Task Force has never been restricted in any way in its investigation of the coffees, though concern has indeed been expressed by me and others from time to time that this line of investigation carries little likelihood of bearing fruit. Nevertheless, the FBI and the Task Force supervisors expressed their continuing interest in exploring the circumstances of the coffees. Should the Task Force develop information in the course of that investigation that the President or any other covered person violated federal criminal law with respect to the donations, we will consider at that time whether the Independent Counsel Act has been triggered.

(c) Vice President Gore

The portion of the Report devoted to Vice President Gore is only one page long, and is so superficial that I am at a loss as to how to respond. It seems to suggest that the Attorney General was wrong in her section 607 analysis which led to the conclusion that no independent counsel need to be appointed with respect to Vice President Gore's fund-raising calls. Its bottom line, however, without analysis, is that if there were a viable "§ 371 conspiracy to defraud the United States," the Vice President "would certainly be among those whose conduct would be reviewed." Because we are offered no facts or analysis, I am unable to offer any views of this recommendation.

With respect to the apparent criticism of the Attorney General's conclusion last year that the fund-raising calls did not warrant appointment of an independent counsel, the Report makes no specific points and thus I am unable to respond. To the extent that the Report seems to suggest that the decision was inappropriately based solely on the uncorroborated statements of the Vice President as to his intent and lack of knowledge, this is a gross misreading of our recommendation to the Attorney General. Our conclusions that these were soft money solicitations and thus outside the scope of section 607 was based on the results of hundreds of interviews with those who participated in the calls, and the examination of scores of

documents.[6] In addition, as a wholly independent ground supporting our recommendation, we documented a well-established Departmental policy of not prosecuting section 607 violations absent aggravating circumstances not present here.

(d) The First Lady

The First Lady is not a covered person. Nevertheless, I assume it is very likely that the Attorney General would decide to invoke the discretionary clause were we to receive substantial information suggesting that the First Lady had committed a federal criminal violation. I reiterate, as was pointed out above, that the discretionary clause grants us considerably more flexibility than do the mandatory provisions of the Act. We are free to explore any allegations preliminarily and test information received before deciding whether the Act should be invoked.

The Report contends that the First Lady may be criminally liable for her failure to warn the DNC about Trie after learning of his questionable contributions to PLET. As is discussed above, it offers no case or legal analysis to support this theory. The First Lady was not an officer in the DNC, and there is no evidence that she knew of Trie's contributions to the DNC. I am aware of no established -- or even cutting edge -- theory of criminal liability under which the First Lady could be prosecuted based on these facts, although again, Dave Vicinanzo is reviewing this issue.

The "Gina Ratliff incident," described as a "mild extortion," hardly merits discussion. The Report acknowledges that there is no evidence whatsoever that the First Lady even knew of these events, which were handled by two of her staffers. While it says that it is "unclear" whether any others in the White House knew, it does not describe why it is unclear. In any event, I do not believe that it is an extortion for the White House to inform Chung that his continued privileges to visit the White House depended upon his meeting his contractual obligations to a former White House intern.

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[6] The Report asserts at one point that "the calls had nothing to do with the reelection effort, according to the Vice President," id., at 5, insinuating that because of the patent absurdity of that representation, nothing the Vice President said about the calls should be believed. The problem with this argument is that the Vice President said no such thing. In his interview, he acknowledged without hesitation that the calls, and the resulting funds that would be raised, were expected to have a positive impact on the campaign.

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(e) Other Matters

The Report concludes its survey of matters that it recommends warrant the appointment of an independent counsel with the description of variety of incidents which it describes as "troubling." They range from the coffee to John Huang's apparent fund-raising while he was still employed at the Department of Commerce to a variety of incidents that may suggest DNC officials should have been aware that some contributions were from foreign sources. The individuals named include John Huang, DNC fund-raiser Marvin Rosen, DNC mid-level official David Mercer, and others.

None of these individuals are covered by the Act, and the Attorney General concluded long ago that there was insufficient potential for a conflict of interest to warrant use of the discretionary clause with respect to these individuals and events. It has been my assumption that all of these matters have been under active ongoing investigation by the Task Force. The Report identifies no new information or developments that would suggest that there is now a conflict of interest for the Task Force to continue the investigation and resolve these matters.[7]

(f) Common Cause Allegations

The argument that the Act should be triggered based on the Common Cause allegations runs throughout the memorandum. This issue has been discussed and analyzed within the Department repeatedly and at great length, and the Attorney General has reached and publicly announced her decision that the allegations do not warrant appointment of an independent counsel.[8] We see

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[7] This does not mean that I concur that prosecution based on the legal theories of liability advanced in the Report would necessarily be appropriate or valid. I am particularly troubled by the prospect of escalating a possible civil Hatch Act violation into a felony conspiracy. Considerably more legal and policy analysis is called for before proceeding on this theory.

[8] The Report's repeated complaint that the Common Cause allegations have been left unresolved and hanging, without action, is simply untrue. The Attorney General has repeatedly responded to these allegations in writing and has testified concerning her conclusion in this matter. See, e.g., Letter from the Attorney General to Senator Orrin Hatch, Chairman, Committee on the Judiciary, April 14, 1997. In her recent testimony, the Attorney General explained at some length both her decision and the basis for it:

With respect to the advocacy ads, as I have pointed out

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to you before, and the statute that creates the Federal Election Commission has made very clear, the FEC has primary responsibility under the law for interpreting the election laws and for investigating violations of those laws. The Department has had a longstanding policy, reflected in a written 1977 memorandum of understanding, deferring to the FEC in investigating election law violations.

We have brought criminal prosecutions only where the law is clearly established and clearly violated. To establish a criminal violation, we have to show that the defendant acted knowingly and willfully, that he consciously violated the law. The law governing these allegations is far from clear and it is impossible to conclude on what we know that anyone could have violated it knowingly and willfully. At the same time, the FEC is pursuing this and if they determine that there is evidence, they will refer it to us and if it reflects on a covered person and is specific and credible with respect to a covered person, I will trigger the Act.

First, at the time of the ad campaigns at issue, the Department of Justice and the FEC had taken the position that coordination between a party and its candidate was irrelevant. What mattered was the content of the advertisement, what it said.

Secondly, the content tests are very unsettled. Courts differ on whether the proper standard is express advocacy or electioneering message. The courts differ over the application of these tests in particular cases. ...

The Department has no experience in judging the content of political advertisements. We have never investigated such a matter. This is precisely the sort of thing which should be deferred to the FEC under the structure of the Act. We are aware that the FEC already has under investigation allegations that soft money was misused during the 1996 election by the parties and the candidates to evade the spending limits. If the FEC uncovers evidence of a knowing and willful violation of the election laws that warrants criminal prosecution, I am sure they will refer it to us under established procedures, and if it triggers the Independent Counsel Act, I will do so.

This is hardly a matter that is "unresolved" or left hanging in

nothing to be gained by further debate of the issue, and will address only a few points with respect to Common Cause.

First of all, the Report misrepresents the course of discussion on this issue. The Report alleges that the Common Cause analysis was based on a "parochial and professorial application" of the Independent Counsel Act, that our handling of the matter has been "marked by gamesmanship" and is "intellectually dishonest." The Report argues that we were "hostile" to the triggering of the Act, and thus "had to find a theory" to avoid conducting an investigation.[9]

The authors' attribution of bad faith to those of us who have disagreed with them on various issues is nothing short of shocking. A range of experienced attorneys, including an attorney from the Appellate Section, have devoted innumerable hours of work to exploring these complicated issues, and there is simply nothing in any of our exchanges with Messrs. LaBella and DeSarno that would merit such attacks on the integrity of these attorneys. We have explored every argument advanced by them concerning the Common Cause allegations with consideration and respect, but have in the end disagreed. It is outrageous for this Report to twist these attorneys' good faith efforts to explore these issues by labelling them with pejorative terms, or to suggest that their -- and my -- views were corrupted by a determination to avoid any given result.

Indeed, the Common Cause allegations were analyzed without respect to the Independent Counsel Act. Those allegations were rejected on their merits as not suggesting potential violations of federal criminal law, based on the information available to us. While we did not conclude that the handling of soft money by the two campaigns was necessarily in conformity with the Federal Election Campaign Act (FECA), we did conclude that given the state of the law, that conduct could not have been a willful violation of the law, and thus could not be prosecuted criminally. We further concluded that this sort of regulatory issue is one that is squarely within the province of the FEC and properly handled by it both as a matter of administrative law and pursuant to our long-established MOU with the Commission, which

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limbo. The Attorney General could not have been clearer.

[9] This allegation would surprise the numerous subjects of ongoing independent counsel investigations. When specific and credible evidence of a potential violation of law by a covered person warrants further investigation, the record shows that no one involved in this process has hesitated to recommend that an independent counsel be appointed.

allocates initial responsibility for such matters to the FEC. We are unable to identify any "gamesmanship," or "parochial and professorial" reasoning in any of these determinations.

The Report argues that the Attorney General's conclusion with respect to the Common Cause allegations "virtually ignores the possibility that there exists a section 371 conspiracy to defraud the United States by violating the civil regulatory framework set out in the FECA." I do not dispute that a conspiracy to engage in concerted violations of the law, even the civil law, may support a criminal prosecution, though I believe there are sound reasons why any such prosecution should be approached with care, and why in most such cases deferral to the civil authorities is likely to be the most appropriate remedy. But no one "ignored" this "significant speed bump" that the Report claims this theory represents.

To the contrary, the Attorney General has addressed the ultimate issue here squarely. She has decided that no amount of coordination between the candidates and the party can, by itself, constitute a violation. Only the content of the ads can establish even a civil violation of the FECA.

Since the authors of the report would find a potential crime on these facts it would seem that they argue that it is a conspiracy to defraud the United States even where there is no civil violation, that is, where the subjects have conformed their behavior to the law. A recent Appellate Section memorandum rejects their theory, as should all who give it any serious consideration.[10]

The Attorney General has concluded that these allegations are properly addressed initially through the established regulatory processes of the FEC, not as a matter of criminal law. This is not sophistry or evasion of our responsibility to enforce the criminal law, as the Report seems to suggest. Rather, it is an analysis based on the appropriate allocation of enforcement responsibility in a complicated regulatory scheme. Our deference to the FEC is an established policy of the Department,

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[10] Any conspiracy requires specific intent, and the Attorney General's conclusion was that given the state of the law at the time, any violation of the FECA based on the conduct alleged by Common Cause could not be proven to have been a purposeful violation of a statutory standard known and understood by the offender. National Right to Work Comm. v. FEC, 716 F.2d 1401 (D.C. Cir. 1983) (civil enforcement action). Thus, if there were violations of the civil regulatory scheme -- and that is a determination properly made in the first instance by the FEC -- there is no basis on which to conclude that they may have been willful.

memorialized in a formal MOU, not a theory concocted on the spot to avoid application of the Independent Counsel Act.

The Report's argument that the only reason for our decision was the involvement of the President and other high-level officials is preposterous. Indeed, such allegations under any other circumstances would never have been considered for prosecution, and would never have received the serious exploration and consideration that have marked our review of the Common Cause letters. In fact, in the history of the election laws we have never investigated criminally any allegation of improper coordination of campaign advertising, or improper control of a party's ads by a candidate. The only reason this case has merited the attention it has received is precisely because it involves the President.

(g) The Loral Investigation

It is true that with regard to the Loral matter, the Task Force is examining a transaction without predicate. That happens from time to time when there is substantial public concern about a matter. However, at present, there is not a scintilla of evidence -- or information -- that the President was corruptly influenced by Bernard Schwartz, as the authors concede. It is stretching our investigative prerogative even to open an inquiry into the Loral transaction; it would be absurd -- and contrary to the law -- to refer it to an independent counsel without any evidence suggesting that any wrongdoing occurred.[11]

The Report suggests that there will be a conflict of interest with respect to this inquiry because two high-level Department officials, both of whom have dealt closely with the Task Force, are potential witnesses. That is an issue that is commonly dealt with, and has been dealt with in this case, by

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[11] The Report cites two documents which it suggests weakly "may establish a principled reason" to handle this matter under the Independent Counsel Act. One is a letter to National Security Counsel head Samuel Berger from a Loral executive urging a quick decision on the matter, because delay would result in serious financial losses to the company. We see nothing in this letter to suggest a corrupt deal between Loral and the Administration. The second document is a memorandum authored by Ickes three and a half years earlier, naming Schwartz as an individual that the President should call to ask for assistance in fund-raising in the course of the campaign. As set out earlier, we decline to infer that action taken on behalf of a supporter of an elected official is presumed to be corrupt, and there is nothing in these two documents that establishes anything other than that Loral was seeking action and Schwartz was a supporter of the President.

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recusals. We see no reason why this would create a conflict of interest for the Department, were it to continue to investigate this matter. Department employees frequently are witnesses in criminal matters.

Similarly, the fact that this transaction involves a matter as to which the Department recommended a course other than that which the White House followed does not create a conflict of interest. The events are historical; we are not in a position where our investigation could be viewed as a cudgel to try to force the White House into following our recommendation. The Department frequently is asked for its views on a variety of governmental actions. Never has it been suggested that this creates a later conflict of interest if allegations of criminality arise. If we commented on a piece of legislation, would it then be a conflict of interest for us to investigate allegations that a legislator who voted contrary to our views took a bribe?

Finally, the document production issues raised by the White House with the Department are the sort of routine give-and-take among Executive Branch agencies that occur all the time. They do indeed create some tensions and difficulties, but they are common and not the sort of conflict of interest that would justify resort to the Independent Counsel Act.

DOJ-FLB-00150

EXHIBIT 5

CONFIDENTIAL MEMORANDUM

July 20, 1998

To: The Attorney General
The Deputy Attorney General
James K. Robinson, Assistant Attorney General

From: Robert S. Litt

Re: La Bella/DeSarno Memorandum

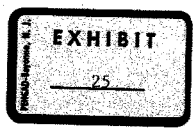
I thought I would set down some preliminary observations about the memorandum provided to you by Chuck La Bella and Jim DeSarno. I believe that Public Integrity should be asked to comment on it.

The Independent Counsel Act

The memorandum argues at length that the Department has applied the Act improperly and inconsistently. Setting aside the repeated attacks on the motivations of those who disagree with the conclusions reached in the memorandum — attacks which I think are unjustified and inaccurate — the central argument is that we have applied too high a standard in seeking specific and credible evidence of criminality, and that the Task Force's investigation has been hindered by this artificial standard.

I would have thought that this issue had been laid to rest by now. The comprehensive nature of this memorandum shows that the Task Force has not been blocked from pursuing any leads in matters where there is predication for a criminal investigation.[1] However, to date it has been unable to come up with any specific and credible information that a covered person may have committed a crime. The memorandum

[1] The memorandum states that "[e]very time" it was suggested that the Task Force "conduct[] an inquiry or investigation of the entire campaign finance landscape in order to determine if there exists specific information from a credible source" that would trigger the Act, "it has been rejected on the theory that such an inquiry can only be conducted pursuant to a preliminary investigation." (pp. 7-8) I am unaware of any occasion on which this has happened. On the contrary, the Attorney General constantly asks whether we have uncovered information sufficient to trigger the Act, and constantly emphasizes that the Task Force must follow the evidence wherever it leads.



frequently raises questions, but a question or a speculation is not specific and credible information. In other words, it is not the Independent Counsel Act that is blocking investigation of the President and those around him; it is the lack of any specific and credible information that they may have committed a crime.

I do agree with the memo that the decision to investigate the Loral matter seems to involve a lower standard of predication than we ordinarily use. Indeed, the memo itself makes it clear that there is absolutely no evidence at this time of anything more than that the President and others in the White House may have taken into account the fact that Loral was a major contributor — although even this much is by no means clear. However, as we have often discussed, this is simply not a crime in the absence of a specific quid pro quo. I do not doubt that had this matter been brought to any U.S. Attorney's office in the country it would have been closed without investigation. (I note that no one has expressed interest in following up criminally on the recent Wall Street Journal article setting forth numerous instances in which Sen. Lott took actions favoring large contributors).

Our decision to investigate the Loral matter was, thus, in part a response to outside pressure. (It was for this reason that I believed, and still believe, that we should have deferred a criminal investigation to Congressional inquiries). However, it is not unusual for us to commence investigations of matters we would not ordinarily investigate in response to outside pressure (Martin Luther King, for example). Moreover, Loral is different from the Common Cause allegations (which I will discuss somewhat more below) in that there is no agency with the sort of primary jurisdiction that the FEC has to evaluate campaign finance matters. If the Loral investigation leads to any specific and credible information against the President or another covered person, then we must trigger the Act; but not even the memorandum's authors believe we have that now.[2]

Finally, although I don't think that it has any impact on the analysis,I want to note my disagreement with the proposition that the Attorney General's statements that we will follow all leads in the campaign finance investigation constitutes an established policy of the Department for purposes of the Independent Counsel Act (p. 12). That cannot be so; if the

[2] I leave to others the analysis of whether the role that Mark Richard and I played in communicating with the White House creates a conflict for the Department.

Attorney General stated that we would not investigate this matter, would that constitute a policy enabling us to avoid invocation of the Act? It seems clear to me that such a policy has to be independent of the particular case; that certainly has been the practice of the Department, as we noted in the § 607 preliminary inquiry. Parenthetically, I note that the memorandum fails to acknowledge that the MOU with the FEC clearly is such a policy.

The Common Cause Allegations

The Department having determined that the activities of the White House and the DNC in the media fund campaign did not warrant criminal investigation under FECA or the presidential funding acts, the memorandum argues that they should be prosecuted as a conspiracy to defraud the United States. (Sen. Thompson's committee made the same argument; no one appears to press the election law violations now). It notes that we are pursuing this theory with respect to John Huang, whose alleged fund-raising activities at the Department of Commerce may have violated the Hatch Act — but not the criminal provisions of the Act.

Whatever the merits of the theory may be with respect to Huang, however, there is a crucial difference. Huang's activities (if true) violated the Hatch Act; the argument in the memorandum is that the media fund campaign was a crime even if it did not violate the election laws and indeed followed the guidance issued by the FEC. I am certainly not aware of any case in which a defendant followed a comprehensive regulatory scheme and exploited a loophole in it, but was later prosecuted because prosecutors later decide that the loophole should not have been there.

For example, under the Ethics in Government Act certain government officials are required by statute to file financial disclosure forms, and false statements on those forms are criminal. The forms permit you to omit listing any assets worth less than $1000 (I believe that is the amount, but the particular number is irrelevant). If a wealthy man broke up all his assets into stockholdings of less than $1000, so that his worth appeared to be zero on the EIGA form (and did it in conspiracy with his stockbroker), could he be prosecuted for conspiracy to violate the United States? I would hope not. Yet fundamentally that is what happened here.

At bottom, the "conspiracy to defraud" theory advocated here rests upon the premise that the campaign finance laws were in fact violated by the White House's control of the DNC media campaign.[3] Having found, however, that control itself is irrelevant, and that the question of the content of the advertisements should be deferred to the FEC, I think we have moved beyond this point.[4]

Ickes

I remain troubled, as I was when I read the draft memorandum, by the allegations concerning Ickes, although they are somewhat confusing and the potential violations are not totally clear. It would certainly be helpful to see a chronological listing of the Ickes/Trie/Huang matters. But it still seems to me that we have enough to investigate whether Ickes is criminally culpable as an aider and abettor to illegal campaign contributions, and whether he committed perjury in the Diamond Walnut matter.

However, Ickes is covered under the Independent Counsel Act, if at all, only under the discretionary provision. The attempt to make him a "de facto" covered person because of his campaign authority flies in the face of both the language of the Act, which requires that he be an officer of the campaign exercising authority at a national level, and of the Department's consistent practice, which looks to both function and title. The memorandum argues, in effect, that since Ickes exercised authority at a national level, and had a major role in running the Clinton Gore campaign, he should be deemed to have a title. This is exactly the kind of creative reading of the Act that the memorandum unjustly accuses the Department of engaging in.[5]

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[3] For example, at p. 39, the memo suggests the possibility that "civil violations may form the predicate for a § 371 violation" (emphasis supplied), and claims that new facts have been discovered showing that the White House directed the media fund campaign – an issue which has never been disputed.

[4] I note also that it is inaccurate to intimate that the analysis of the Common Cause allegations was contorted in an effort to avoid the Independent Counsel Act. While the authors of the memorandum may disagree with the conclusions reached, those conclusions were reached as a result of an analysis of the law without reference to the Act.

[5] The same is true of the suggestion, at p. 20 n.8, that even though Ickes was not covered as a White House employee under the terms of the statute, he should have been.

Since Ickes is covered only under the discretionary clause, the strict time limits of the Act do not apply. I would urge that there be a more thorough analysis of what we are investigating with respect to Ickes. But it is my view, in accord with the memorandum, that if we in fact do have predication for a criminal investigation of Ickes, we should give serious consideration to having it handled by an independent counsel. Ickes was and is very close to the President, in all the ways described in the memorandum, and a strong argument can be made that we would have a conflict of interest in investigating him — although I note that we previously rejected that position in connection with an allegation unrelated to his campaign activities.

Other Matters

There is no question that there is much here worth investigating. The Task Force appears to be pursuing these leads vigorously and capably. There are surely individuals at the DNC who are at least subjects of this inquiry; but it bears repeating that no one at the DNC is a covered person, and we have long ago determined that there is no conflict in investigating Huang or others mentioned in the memorandum. The Task Force should simply be reminded to pursue this matter wherever it leads and if specific and credible information points to the President or another covered person, or a person as to whom the Department might have a conflict (such as the First Lady), to notify you immediately.

Remedies

The section of the memorandum dealing with remedies going forward has some ideas worth considering. It seems to me that it would be helpful to separate that section out from the rest of the memorandum (perhaps toning down the rhetoric somewhat) and circulate it more broadly for comment. I completely agree with the idea of requiring the parties to have contributors affirmatively state that they are not being reimbursed; furthermore, it seems to me that without that we would not be able to institute the revised prosecutive policy for conduits that the memorandum advocates, since proof of intent to violate the law would otherwise be very difficult. Moreover, there may be good reasons for some of our existing prosecutive policies which it is suggested we change, and it seems to me that a serious discussion of these ideas would be useful.

EXHIBIT 6

Office of the Attorney General
Washington, D. C. 20530

April 14, 1997

The Honorable Orrin G. Hatch
Chairman, Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

On March 13, 1997, you and nine other majority party members of the Committee on the Judiciary of the United States Senate wrote to me requesting the appointment of an independent counsel to investigate possible fundraising violations in connection with the 1996 presidential campaign. You made that request pursuant to a provision of the Independent Counsel Act, 28 U.S.C. § 592(g)(1), which provides that "a majority of majority party members [of the Committee on the Judiciary] ... may request in writing that the Attorney General apply for the appointment of an independent counsel." The Act requires me to respond within 30 days, setting forth the reasons for my decision on each of the matters with respect to which your request is made. 28 U.S.C. § 592(g)(2).

I am writing to inform you that I have not initiated a "preliminary investigation" (as that term is defined in the Independent Counsel Act) of any of the matters mentioned in your letter. Rather, as you know, matters relating to campaign financing in the 1996 Federal elections have been under active investigation since November by a task force of career Justice Department prosecutors and Federal Bureau of Investigation (FBI) agents. This task force is pursuing the investigation vigorously and diligently, and it will continue to do so. I can assure you that I have given your views and your arguments careful thought, but at this time, I am unable to agree, based on the facts and the law, that an independent counsel should be appointed to handle this investigation.

DOJ-02046

EXHIBIT 2

1. The Independent Counsel Act

In order to explain my reasons, I would like to outline briefly the relevant provisions of the Independent Counsel Act. The Act can be invoked in two circumstances that are relevant here:

- First, if there are sufficient allegations (as further described below) of criminal activity by a covered person, defined as the President and Vice President, cabinet officers, certain other enumerated high Federal officials, or certain specified officers of the President's election campaign (not party officials), see 28 U.S.C. § 591(b), I must seek appointment of an independent counsel.

- Second, if there are sufficient allegations of criminal activity by a person other than a covered person, and I determine that "an investigation or prosecution of [that] person by the Department of Justice may result in a personal, financial or political conflict of interest," see 28 U.S.C. § 591(c)(1), I may seek appointment of an independent counsel.

In either case, I must follow a two-step process to determine whether the allegations are sufficient. First, I must determine whether the allegations are sufficiently specific and credible to constitute grounds to investigate whether an individual may have violated Federal criminal law. 28 U.S.C. § 591(d). If so, the Department commences a "preliminary investigation" for up to 90 days (which can be extended an additional 60 days upon a showing of good cause). 28 U.S.C. § 592(a). If, at the conclusion of this "preliminary investigation," I determine that further investigation of the matters is warranted, I must seek an independent counsel.

Certain important features of the Act are critical to my decision in this case:

- First, the Act sets forth the only circumstances in which I may seek an independent counsel pursuant to its provisions. I may not invoke its procedures unless the statutory requirements are met.

- Second, the Act does not permit or require me to commence a preliminary investigation unless there is specific and credible evidence that a crime may have been committed. In your letter, you suggest that it is not the responsibility of the Department of Justice to determine whether a particular set of facts suggests a potential Federal crime,

but that such legal determinations should be left to an independent counsel. I do not agree. Under the Independent Counsel Act, it is the Department's obligation to determine in the first instance whether particular conduct potentially falls within the scope of a particular criminal statute such that criminal investigation is warranted. If it is our conclusion that the alleged conduct is not criminal, then there is no basis for appointment of an independent counsel, because there would be no specific and credible allegation of a violation of criminal law. See 28 U.S.C. § 592(a)(1).

- Third, there is an important difference between the mandatory and discretionary provisions of the Act. Once I have received specific and credible allegations of criminal conduct by a covered person, I must commence a preliminary investigation and, if further investigation is warranted at the end of the preliminary investigation, seek appointment of an independent counsel. If, on the other hand, I receive specific and credible evidence that a person not covered by the mandatory provisions of the Act has committed a crime, and I determine that a conflict of interest exists with respect to the investigation of that person, I may -- but need not -- commence a preliminary investigation pursuant to the provisions of the Act. This provision gives me the flexibility to decide whether, overall, the national interest would be best served by appointment of an independent counsel in such a case, or whether it would be better for the Department of Justice to continue a vigorous investigation of the matter.

- Fourth, even this discretionary provision is not available unless I find a conflict of interest of the sort contemplated by the Act. The Congress has made it very clear that this provision should be invoked only in certain narrow circumstances. Under the Act, I must conclude that there is a potential for an actual conflict of interest, rather than merely an appearance of a conflict of interest. The Congress expressly adopted this higher standard to ensure that the provision would not be invoked unnecessarily. See 128 Cong. Rec. H 9507 (daily ed. December 13, 1982) (statement of Rep. Hall). Moreover, must find that there is the potential for such an actual conflict with respect to the investigation of a particular person, not merely with respect to the overall matter. Indeed, when the Act was reauthorized in 1994, Congress considered a proposal for a more flexible standard for invoking the discretionary clause, which would have permitted its use to refer any "matter" to an Independent Counsel when the purposes of the Act would be served.

Congress rejected this suggestion, explaining that such a standard would "substantially lower the threshold for use of the general discretionary provision." H.R. Conf. Rep. No. 511, 103rd Cong., 2nd Sess. 9 (1994).

2. Covered Persons -- The Mandatory Provisions of the Act

Let me now turn to the specific allegations in your letter. You assert that there are "new questions of possible wrongdoing by senior White House officials themselves," and you identify a number of particular types of conduct in support of this claim. While all of the specific issues you mention are under review or active investigation by the task force, at this time we have no specific, credible evidence that any covered White House official may have committed a Federal crime in respect of any of these issues. Nevertheless, I will discuss separately each area that you raise.

a. Fundraising on Federal Property. First, you suggest that "federal officials may have illegally solicited and/or received contributions on federal property." The conduct you describe could be a violation of 18 U.S.C. § 607. We are aware of a number of allegations of this sort; all are being evaluated, and where appropriate, investigations have been commenced. The Department takes allegations of political fundraising by Federal employees on Federal property seriously, and in appropriate cases would not hesitate to prosecute such matters. Indeed, the Public Integrity Section, which is overseeing the work of the campaign financing task force, recently obtained a number of guilty pleas from individuals who were soliciting and accepting political contributions within the Department of Agriculture.

The analysis of a potential section 607 violation is a fact-specific inquiry. A number of different factors must be considered when reviewing allegations that this law may have been violated:

- First, the law specifically applies only to contributions as technically defined by the Federal Election Campaign Act (FECA) -- funds commonly referred to as "hard money." The statute originally applied broadly to any political fundraising, but in 1979, over the objection of the Department of Justice, Congress narrowed the scope of section 607 to render it applicable only to FECA contributions. Before concluding that section 607 may have been violated, we must have evidence that a particular solicitation involved a "contribution" within the definition of the FECA.

- Second, there are private areas of the White House that, as a general rule, fall outside the scope of the statute, because of the statutory requirement that the particular solicitation occur in an area "occupied in the discharge of official duties." 3 Op. Off. Legal Counsel 31 (1979). The distinction recognizes that while the Federal Government provides a residence to the President, similar to the housing that it might provide to foreign service officers, this residence is still the personal home of an individual within which restrictions that might validly apply to the Federal workplace should not be imposed. Before we can conclude that section 607 may have been violated, we must have evidence that fundraising took place in locations covered by the provisions of the statute.

Thus, while you express concerns about the possibility of "specific solicitations ... made by federal officials at the numerous White House overnights, coffees, and other similar events," we do not at this time have any specific and credible evidence of any such solicitation by any covered person that may constitute a violation of section 607.

We do not suggest, of course, that our consideration of information concerning fundraising on Federal property is limited to whether the conduct constituted a violation only of section 607. However, at this point in time, we have no specific and credible evidence to suggest that any crime was committed by any covered person in connection with these allegations.

b. Misuse of Government Resources. You next assert that Government property and employees may have been used illegally to further campaign interests -- conduct which might, in some circumstances, constitute a theft or conversion of Government property in violation of 18 U.S.C. § 641. Again, we are actively investigating allegations that such misconduct may have occurred. However, we are unaware at this time of any evidence that any covered person participated in any such activity, other than use of Government property that is permitted under Federal law, such as the reports that the Vice President used a Government telephone, charging the calls to a nongovernment credit card. Federal regulations permit such incidental use of Government property for otherwise lawful personal purposes. See, e.g., 5 C.F.R. § 2635.704; 41 C.F.R. § 201-21.601 (personal long distance telephone calls). Thus, for example, allegations that a Government telephone or telefacsimile machine may have been used on a few occasions by a covered person for personal purposes does not amount to an allegation of a Federal crime. To the extent that there are allegations warranting investigation that individuals not covered by the Independent Counsel Act diverted

Government resources, it is my conclusion, as I explain below, that there is at present no conflict of interest for the Department of Justice to investigate and, if appropriate, prosecute those involved in any such activity.

c. Foreign Efforts to Influence U.S. Policy. You next cite reports suggesting the possibility that foreign contributions may have been made in hopes of influencing American policy decisions. These allegations are under active investigation by the task force. The facts known at this time, however, do not indicate the criminal involvement of any covered person in such conduct.

It is neither unique nor unprecedented for the Department to receive information that foreign interests might be seeking to infuse money into American political campaigns. That was precisely the scenario that underlay the criminal investigations, prosecutions and congressional hearings during the late 1970s involving allegations that a Korean businessman was making illegal campaign contributions, among other things, to Members of Congress to curry congressional support for the Government of South Korea. In a more recent example, in 1996 an individual was prosecuted and convicted for funnelling Indian Government funds into Federal elections through the cover of a political action committee.

Absent specific and credible evidence of complicity by a covered person, it has never been suggested that the mere allegation that a foreign government may have been trying to provide funds to Federal campaigns should warrant appointment of an independent counsel. Nor can it be the case that an independent counsel is required to investigate because campaign contributors or those who donated to political parties believed their largesse would influence policy or achieve access. The Department of Justice routinely handles such allegations, and because of its experience in reviewing and investigating these sensitive matters, embracing, among other things, issues of national security, is particularly well-equipped to do so.

d. Coordination of Campaign Fundraising and Expenditures. You also suggest that the "close coordination by the White House over the raising and spending of 'soft' -- and purportedly independent -- DNC funds violated Federal election laws, and/or had the legal effect of rendering those funds subject to campaign finance limitations they otherwise would not be subject to." We believe this statement misapprehends the law. The FECA does not prohibit the coordination of fundraising or expenditures between a party and its candidates for office. Indeed, the Federal

Election Commission (FEC), the body charged by Congress with primary responsibility for interpreting and enforcing the FECA, has historically assumed coordination between a candidate and his or her political party.

Of course, coordinated expenditures may be unlawful under the FECA if they are made with funds from prohibited sources, if they were misreported, or if they exceeded applicable expenditure limits. However, we presently lack specific and credible evidence suggesting that any covered person participated in any such violations, if they occurred.

With respect to coordinated media advertisements by political parties (an area that has received much attention of late), the proper characterization of a particular expenditure depends not on the degree of coordination, but rather on the content of the message. Indeed, just last year the FEC and the Department of Justice took this position in a brief filed before the Supreme Court, in a case decided on other grounds. See generally, Brief for the Respondent, Colorado Republican Federal Campaign Committee v. FEC, (S. Ct. No. 95-489) at 2-3, 18 n.15, 23-24. In this connection, the FEC has concluded that party media advertisements that focus on "national legislative activity" and that do not contain an "electioneering message" may be financed, in part, using "soft" money, i.e., money that does not comply with FECA's contribution limits. FEC Advisory Op. 1995-25, 2 Fed. Elec. Camp. Fin. Guide (CCH) ¶ 6162, at 12,109-12,110 (August 24, 1995); FEC Advisory Op. 1985-14, 2 Fed. Elec. Camp. Fin. Guide (CCH) ¶ 5819, at 11,185-11,186 (May 30, 1985). Moreover, such advertisements are not subject to any applicable limitations on coordinated expenditures by the party on behalf of its candidates. AO 1985-14 at 11-185-11,186.

We recognize that there are allegations that both presidential candidates and both national political parties engaged in a concerted effort to take full advantage of every funding option available to them under the law, to craft advertisements that took advantage of the lesser regulation applicable to legislative issue advertising, and to raise large quantities of soft political funding to finance these ventures. However, at the present time, we lack specific and credible evidence suggesting that these activities violated the FECA. Moreover, even assuming that, after a thorough investigation, the FEC were to conclude that regulatory violations occurred, we presently lack specific and credible evidence suggesting that any covered person participated in any such violations.

3. Conflict of Interest -- The Discretionary Provisions of the Act

In urging me to conclude that the investigation poses the type of potential conflict of interest contemplated by the Act, you rely heavily on my testimony before the Senate Committee on Government Affairs in 1993 in support of reauthorization of the Independent Counsel Act. I stand by those views and continue to support the overall concept underlying the Act. My decisions pursuant to the Act have been, I believe, fully consistent with those views.

The remarks you quote from my testimony should be interpreted within the context of the statutory language I was discussing. When, for example, I referred to the need for the Act to deal with the inherent conflict of interest when the Department of Justice investigates "high-level Executive Branch officials," I was referring to persons covered under the mandatory provisions of the Act. With respect to the conflict of interest provision, my testimony expressed the conviction that the Act "would in no way preempt this Department's authority to investigate public corruption," and that the Department was clearly capable of "vigorous investigation of wrongdoing by public officials, whatever allegiance or stripes they may wear. I will vigorously defend and continue this tradition.". While I endorsed the concept of the discretionary clause to deal with unforeseeable situations, I strongly emphasized that "it is part of the Attorney General's job to make difficult decisions in tough cases. I have no intention of abdicating that responsibility[.]" These principles continue to guide my decisionmaking today.

There are times when reliance on the discretionary clause is appropriate, and indeed, as you point out, I have done so myself on a few occasions. However, in each of those cases, I considered the particular factual context in which the allegations against those persons arose and the history of the matter. Moreover, even after finding the existence of a potential conflict, I must consider whether under all the circumstances discretionary appointment of an independent counsel is appropriate. In each case, therefore, the final decision has been an exercise of my discretion, as provided for under the Act.

I have undertaken the same examination here. Based on the facts as we know them now, I have not concluded that any conflict of interest would ensue from our vigorous and thorough investigation of the allegations contained in your letter.

Your letter relies upon press reports, certain documents and various public statements which you assert demonstrate that "officials at the highest level of the White House were involved in formulating, coordinating and implementing the [Democratic National Committee's (DNC's)] fundraising efforts for the 1996 presidential campaign." You suggest that a thorough investigation of "fundraising improprieties" will therefore necessarily include an inquiry into the "knowledge and/or complicity of very senior White House officials," and that the Department of Justice would therefore have a conflict of interest investigating these allegations.

To the extent that "improprieties" comprise crimes, they are being thoroughly investigated by the agents and prosecutors assigned to the task force. Should that investigation develop at any time specific and credible evidence that any covered person may have committed a crime, the Act will be triggered, and I will fulfill my responsibilities under the Act. In addition, should that investigation develop specific and credible evidence that a crime may have been committed by a "very senior" White House official who is not covered by the Act, I will decide whether investigation of that person by the Department might result in a conflict of interest, and, if so, whether the discretionary clause should be invoked. Until then, however, the mere fact that employees of the White House and the DNC worked closely together in the course of President Clinton's reelection campaign does not warrant appointment of an independent counsel. As I have stated above, the Department has a long history of investigating allegations of criminal activity by high-ranking Government officials without fear or favor, and will do so in this case.

I also do not accept the suggestion that there will be widespread public distrust of the actions and conclusions of the Department if it continues to investigate this matter, creating a conflict of interest warranting the appointment of an independent counsel. First, unless I find that the investigation of a particular person against whom specific and credible allegations have been made would pose a conflict, I have no authority to utilize the procedures of the Act. Moreover, I have confidence that the career professionals in the Department will investigate this matter in a fashion that will satisfy the American people that justice has been done.

Finally, even were I to determine that a conflict of interest of the sort contemplated by the statute exists in this case -- and as noted above I do not find such a conflict at this time -- there would be a number of weighty considerations

that I would have to consider in determining whether to exercise my discretion to seek an independent counsel at this time. Because invocation of the conflict of interest provision is discretionary, it would still be my responsibility in that circumstance to weigh all the factors and determine whether appointment of an independent counsel would best serve the national interest. If in the future this investigation reveals evidence indicating that a conflict of interest exists, these factors will continue to weigh heavily in my evaluation of whether or not to invoke the discretionary provisions of the Act.

* * * * * * * * * * * *

I assure you, once again, that allegations of violations of Federal criminal law with respect to campaign financing in the course of the 1996 Federal elections will be thoroughly investigated and, if appropriate, prosecuted. At this point it appears to me that that task should be performed by the Department of Justice and its career investigators and prosecutors. I want to emphasize, however, that the task force continues to receive new information (much has been discovered even since I received your letter), and I will continue to monitor the investigation closely in light of my responsibilities under the Independent Counsel Act. Should future developments make it appropriate to invoke the procedures of the Act, I will do so without hesitation.

Sincerely,

Janet Reno

cc: Senator Patrick Leahy

EXHIBIT 7

Office of the Attorney General
Washington, D. C. 20530

April 28, 1995

MEMORANDUM FOR THE STAFF OF THE ATTORNEY GENERAL

FROM: THE ATTORNEY GENERAL

SUBJECT: Recusal from the FOIA Appeal for Information on Nobuo Abe

This is to inform you that I have recused myself from participation in the FOIA appeal made to the Department concerning requests for information relating to Nobuo Abe, a prominent religious leader, on behalf of Mrs. Hiroe Clow.

Apparently, an attorney, who is a close personal friend of mine and participated in my confirmation hearing preparation, has requested my intervention in the matter and I want to make it very clear that I have chosen to disqualify myself from any participation and request that no information regarding this matter be brought to my attention.

cc: The Associate Attorney General

Attachment

EXHIBIT 8

STROOCK & STROOCK & LAVAN LLP

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October 31, 2000

The Honorable Dan Burton
Committee on Government Reform
2185 Rayburn House Office Building
Washington, D.C. 20515-6143

The Honorable Henry A. Waxman
2204 Rayburn House Office Building
Washington, D.C. 20515-6143

Dear Chairman Burton and Representative Waxman:

I represent Soka Gakkai, a lay Buddhist association with more than 10 million members. Soka Gakkai and I are both mentioned in Chapter IV of the Committee's report on "Janet Reno's Stewardship of the Justice Department." Without waiving any applicable privilege, I write to bring to the Committee's attention serious flaws in Chapter IV, which contains numerous demonstrable factual errors, and recklessly accuses private individuals of criminal wrongdoing without any pretense of due process or any substantive evidence. Chapter IV overstates its conclusions and ignores errors and omissions in the investigation.

The report acknowledges that the issues discussed in Chapter IV relate indirectly to litigation in Japan between Nikken Abe and Nichiren Shoshu, on the one hand and my client, Soka Gakkai, on the other. *E.g.*, p. 161. It appears from various sources, including the report's Exhibit 56, that representatives of Nikken Abe and Nichiren Shoshu have had contact with the Committee staff, in an attempt to have the Committee issue a report that would be helpful to their position in the Japanese litigation. The three-judge panel of the Japanese trial court has already ruled unequivocally in favor of Soka Gakkai in that litigation, finding that the position of Nichiren Shoshu and the testimony of Nikken Abe were not credible. The matter is now on appeal and the efforts of Nichiren Shoshu's representatives to influence the Committee are simply an attempt by the losing side to use the Committee to influence the Japanese appellate process. The Committee should guard against such abuse of its processes.

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More specific errors include:

1. The report recklessly accuses several private individuals of crimes, including several whom the staff never interviewed. The report accuses several individuals of committing serious crimes. It also accuses others of misleading the Committee. Such charges, cloaked with the authority of the Committee, are outrageous when made with so little concern for fairness or due process. It is significant that the report modifies many of its charges with qualifiers like "apparently" or "possibly" (*e.g.*, p. 162), but that does not excuse such reckless charges. Simply put, there is no evidence that Soka Gakkai, Jack Palladino or I committed any crime or engaged in any improper activity whatsoever. As the report acknowledges, the staff failed even to interview Mr. Palladino or me about our role in this matter. *Id.* n. 801. These charges are particularly objectionable because they are not even relevant to the report's central thesis, that Ms. Poston and others working at her direction received favorable treatment at the hands of the Justice Department. *E.g.*, pp. 159-60. Thus, these serious attacks are made almost casually, without any claim or relevance to any public purpose.

In fact, even a preliminary investigation would have revealed that the so-called "reliable source," Richard Lucas, never met with Mr. Palladino or discussed with him any of the facts or issues concerning this matter. Further, an investigation would also have shown that I had no personal involvement with the activity criticized in the report.

2. The report repeatedly relies on a witness who lacks credibility. Many assertions in the report – including many of the most misleading, erroneous or otherwise objectionable assertions – are cited only to Mr. Lucas. *E.g.*, notes 799, 806, 814, 822-24. Mr. Lucas is not a credible witness for several reasons: much of his story to the Committee is contradicted by his own sworn affidavit; he is apparently engaged in a legal dispute with one of the Committee's other witnesses and thus has an incentive to blame that witness for his own conduct; and he committed a conscious and intentional breach of his contractual and ethical obligations to the Steel Hector & Davis law firm. After having been retained by the law firm, he entered into a relationship with individuals hostile to the firm and the interests of its clients, and repeatedly breached his ethical and contractual obligations by secretly and systematically providing the opposing side in a litigation matter confidential information about the law firm's and client's activities.

A further sign that Mr. Lucas is simply not reliable is that he authored several memoranda under a pseudonym, "Michael Wilson." The report never discloses that fact. The report also frequently relies on these memoranda, without any other corroborating evidence. *E.g.*, notes 831, 832, 837. That Mr. Lucas felt compelled to write memoranda under a pseudonym, in a complete departure from ordinary business practice, seriously undermines his credibility and shows that

Mr. Lucas understood there was something about his conduct that needed to be hidden. Moreover, the memoranda themselves demonstrate that Mr. Lucas was violating his contractual and ethical duties to the Steel Hector & Davis law firm, and thus are independently not worthy of belief.

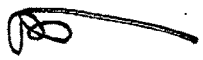
Significantly, the report itself accuses Mr. Lucas of criminal misconduct. *E.g.*, p. 168.

3. The report contains sensational charges that it fails to support. The report's headings repeatedly charge individuals or organizations with illegal acts. *E.g.*, p. 162 ("Soka Gakkai Illegally Obtains Information on Nobuo Abe Through Jack Palladino"); p. 163 ("Poston Requests Her Private Investigators To Break The Law"). Those inflammatory headings are not supported by the text. For example, the passage about Mr. Palladino is modified by the word "apparently," and is sourced only to Mr. Lucas, the tainted witness; as the report concedes in the very next footnote, it did not even bother to discuss this allegation with Mr. Palladino. Mr. Palladino has publicly stated that he had nothing to do with illegally obtaining any information about Nobuo Abe and had no involvement with obtaining information from any federal source whatsoever. Similarly, Ms. Poston testified that she at no time asked her investigators to break the law.

4. The report lends unmerited credibility to mere speculation. The report seeks to suggest that an employee of the Bureau of Prisons "planted" a fabricated record in the NCIC involving an arrest in Seattle in 1963. The report recognizes this as "speculation," and attributes it to some unnamed "individuals involved in the case." p. 162. There is no evidence to support this speculative theory, and again the staff failed to perform any of the investigative work – such as interviewing knowledgeable law enforcement officials from the Seattle area – that would have helped clarify these facts. The report's careless presentation of the speculation may be injurious to the parties to the lawsuit in Japan – a lawsuit that, once again, the report specifically acknowledges. p. 161.

I ask that the report be corrected in light of this information, or, at a minimum, that this letter be made part of any final report issued by the Committee.

Yours very truly,



Barry B. Langberg

EXHIBIT 9

HENRY M. HELGERSON, JR.
REPRESENTATIVE, EIGHTY-SIXTH DISTRICT
4009 HAMMOND DRIVE
WICHITA, KANSAS 67218-1221
WICHITA 316-683-7528
TOPEKA 1-800-432-3924
913-296-7691
(WHEN IN SESSION)



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
APPROPRIATIONS
INSURANCE
JOINT COMMITTEE ON HEALTH CARE

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Kansas Commission
on Governmental
Standards & Conduct

September 3, 1997

Carol Williams
Executive Director
KCGSC
109 West 9th, Suite 504
Topeka, KS 66612

Dear Ms. Williams:

As a State Representative, I am seeking a formal Commission opinion concerning the Kansas Campaign Finance Act. Specifically, I am concerned about the application of K.S.A. 25-4154, which prohibits a person from giving campaign contributions in the name of another person, and K.S.A. 25-4153, which imposes limits on the amount of money that can be contributed to a candidate or committee. Based on these statutes, would the Commission please address the following questions:

1. Is it a violation for person "A" to give money to person "B" with the understanding that the money is to then be contributed to person "C", and "B" then contributes the money to person "C"?

2. Is it a violation if person "B" receives the money to contribute to person "C", but keeps the money and does not contribute it?

3. Is it a violation if person "B" receives the money without an understanding that the money is to be contributed to person "C", and "B" then contributes the money to person "C"?

4. Do any of these actions constitute a violation of any other provisions of the Campaign Finance Act?

5. In addition, can funds collected under the Campaign Finance Act be used for federal office?

Sincerely,

Henry Helgerson
State Representative

EXHIBIT 10

Return to opinion page.

September 11, 1997

Opinion No. 1997-45

The Honorable Henry Helgerson
State Representative, 86th District
4009 Hammond
Wichita, Kansas 67218

Dear Representative Helgerson:

This opinion is in response to your letter of September 3, 1997, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the Kansas Campaign Finance Act (K.S.A. 25-4142 et seq.). We note at the outset that the Commission's jurisdiction is limited to the application of K.S.A. 25-4142 et seq., and whether some other statutory system, common law theory or agency rule and regulation applies to your inquiry is not covered by this opinion.

FACTUAL STATEMENT

We understand you request this opinion in your capacity as the State Representative for the 86th District. You advise us that you are seeking clarification of K.S.A. 25-4154, which prohibits a person from giving campaign contributions in the name of another person, and K.S.A. 25-4153 which imposes limits on the amount of money that can be contributed to a candidate or committee.

QUESTIONS

1. Is it a violation for person "A" to give money to person "B" with the understanding that the money is to then be contributed to person "C", and "B" then contributes the money to "C"?

2. Is it a violation if "B" receives the money to contribute to "C", but keeps the money and does not contribute it?

3. Is it a violation if "B" receives the money without an understanding that the money is to be contributed to "C", and "B" then contributes the money to "C"?

4. Do any of the above actions constitute a violation of any other provision of the Campaign Finance Act?

5. In addition, can funds collected under the Campaign Finance Act be used

for federal office?

OPINION

K.S.A. 25-4154(a) states:

"No person shall make a contribution in the name of another person, and no person shall knowingly accept a contribution made by one person in the name of another."

Applying this language to your first question, if "A" gives money to "B" with the understanding that the money will then be contributed to "C", and "B" then contributes the money to "C", this would be a violation of the law.

In answer to your second question, this law cannot be violated until the money is actually contributed to "C". Thus, regardless of what "A" intended for "B" to do, if "B" does not contribute the money to "C", there is no violation.

In answer to your third question, so long as there was not an understanding between "A" and "B" that the money was to be contributed to "C", the fact that "B" eventually contributes the money to "C" would not constitute a violation of the law.

Your first three questions also raise the issue of campaign contribution limitations as set out in K.S.A. 25-4153. Once a person has reached the maximum limit that may be contributed to a candidate or committee, in situations such as the one you describe in your first question, "A" would be giving campaign contributions in excess of the limit.

However, under your second question, since "B" does not contribute the money to "C", there would not be an excessive contribution. Looking at your third question, so long as there was not an understanding between "A" and "B", and the Commission would closely study such situations if concerns of a violation were raised, there would not be a contribution in excess of the limits.

Turning to your fourth question, in addition to the statutes already discussed, if "A", "B" or "C" were required by the Campaign Finance Act to file campaign finance reports and if there were contributions given in the

name of another, it is possible that there would be a violation of K.S.A. 25-4168 which prohibits the filing of a fraudulent campaign finance report.

In answer to your fifth question, K.S.A. 25-4153(f) states:

"Any political funds which have been collected and were subject to the reporting requirements of the campaign finance act shall not be used in or for the campaign of a candidate for a federal elective office."

Therefore, any political funds that were collected and were required to be reported by any candidate, political committee or party committee pursuant to K.S.A. 25-4148 could not be used in a federal campaign.

Sincerely,

Diane Gaede, Chairwoman

By Direction of the Commission

DG:WCS:dlw

EXHIBIT 11

RAMSEY CLARK
LAWRENCE W. SCHILLING

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FAX (212) 979-1583

August 5, 1998

Hon. Henry A. Waxman
Committee on Government
Reform and Oversight
511 Ford House Office Building
Washington, DC 20515

BY FAX 202 226-3348

Dear Congressman Waxman,

It would create a serious threat to constitutional government, the rule of law and individual rights for Congress to hold the Attorney General of the United States in contempt of Congress for refusing to turn over to the Congress investigative materials and departmental recommendations based on them in an ongoing Department of Justice investigation.

If Constitutional separation of powers, integrity and effectiveness in the execution of the laws and the individual rights of witnesses, investigative staffs, their supervisors and persons under investigation, or whose names come up in connection with investigations are to be protected, Congress must let the Attorney General perform the duties of that office without demanding investigative materials, or staff recommendations in an ongoing investigation.

Sincerely,

Ramsey Clark

Ramsey Clark

EXHIBIT 12

NICHOLAS DEB. KATZENBACH

26 GREAT ROAD
PRINCETON, NJ 08540

TEL: (609) 924-6536
FAX: (609) 924-6610

Hon. Henry Waxman
House Committee on Government
Reform and Oversight
U.S. House of Representatives
Washington, D. C.

August 5, 1998

Dear Congressman:

You have asked my opinion as to whether the House can properly subpoena internal investigative reports, or advice from subordinates of the Attorney General based upon such reports, from the Department of Justice. The answer is clearly not. Indeed, it is hard to imagine a less appropriate subject for a subpoena or one more calculated to politicize the Department. History is replete with instances where Congress has disagreed with the Attorney General as to the law. But disagreement as to the law is scarcely a justification for abuse of the subpoena process or threats of contempt..

I happen to agree with General Reno as to the law on the facts publicly known. But whether she is right or wrong is not relevant, and certainly it is not the Attorney General's job simply to agree with the recommendations of subordinates. For Congress to attack her independent judgment by use of subpoena and contempt is simply the wrong way to resolve a disagreement of this kind and would do great damage to the integrity of the Department.

Respectfully

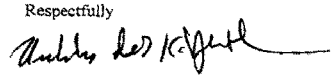


EXHIBIT 13

Office of the Attorney General
Washington, D. C. 20530

July 28, 1998

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

Dear Mr. Chairman:

This responds to your letter of July 23, and subpoena of July 24, seeking copies of a recent memorandum to the Attorney General from Charles La Bella and a November 1997 memorandum to the Attorney General from FBI Director Freeh. You previously requested the latter document and, in a joint letter to you of December 8, 1997, we explained why, as Attorney General and FBI Director, we were strongly opposed to releasing the Freeh memorandum to Congress. We continue to hold that position regarding the Freeh memorandum, and our reasoning applies with even greater force to the La Bella memorandum. As was stated then and is discussed below, we are prepared to work with the Committee, as we did in connection with the Freeh memorandum, to accommodate legitimate oversight and law enforcement concerns.

As stated in the Attorney General's letter to you of December 4, our position is based principally on the longstanding Department policy of declining to provide congressional committees with access to open law enforcement files. The rationale for this important policy is set forth in a 1986 memorandum by Charles J. Cooper, Assistant Attorney General for the Office of Legal Counsel during the Reagan Administration, which is quoted at length in the December 4 letter. Mr. Cooper was not the first to articulate this policy. Indeed, as Mr. Cooper notes in his memorandum, over fifty years ago Attorney General Robert H. Jackson informed Congress that:

> It is the position of the Department . . . that all investigative reports are confidential documents of the executive department of the Government, to aid in the duty laid upon the President by the Constitution to "take care that the Laws be faithfully executed," and that congressional or public access to them would not be in the public interest . . .

40 Op. Att'y Gen. 45, 46 (1941). Moreover, Attorney General Jackson's position was not new. His letter cited prior Attorney General letters taking the position that dated back to the beginning of the century (id. at 47-48).

The disclosure of these memoranda could provide a "road map" of the Department's investigation. The documents, or information that they contain, could come into the possession

of the targets of the investigation through inadvertence or deliberate act on the part of someone having access to them. The investigation could be seriously prejudiced by the revelation of the direction of the investigation, information about the evidence that the prosecutors have obtained, and assessments of the strengths and weaknesses of various aspects of the investigation. Indeed, disclosure of information such as is contained in this report could significantly impede the Task Force's criminal investigation and could conceivably preclude prosecution of some individuals. In addition, the reputation of individuals mentioned in a document like this could be severely damaged by the public release of information about them, even though the case might ultimately not warrant prosecution. As Attorney General Jackson observed:

> Disclosure of the [law enforcement] reports could not do otherwise than seriously prejudice law enforcement. Counsel for a defendant or a prospective defendant, could have no greater help than to know how much or how little information the Government has, and what witnesses or sources of information it can rely upon. This is exactly what these reports are intended to contain.

40 Op. Att'y Gen. 45, 46 (1941).

Mr. Cooper's memorandum also noted that providing a congressional committee with confidential details about active criminal investigations would place the Congress in a position to exert pressure or attempt to influence the prosecutions of criminal cases. Congress could second-guess tactical and strategic decisions, question witness interview schedules, debate conflicting internal recommendations, and generally attempt to influence the outcome of the criminal investigation. Such a practice would damage law enforcement efforts significantly and shake public confidence in the criminal justice system; decisions about the course of a criminal investigation must be made without reference to political considerations. As one Justice Department official noted,

> the Executive cannot effectively investigate if Congress is, in a sense, a partner in the investigation. If a congressional committee is fully apprised of all details of an investigation as the investigation proceeds, there is a substantial danger that congressional pressures will influence the course of the investigation.

Memorandum for Edward L. Morgan, Deputy Counsel to the President, from Thomas E. Kauper, Deputy Assistant Attorney General, Office of Legal Counsel, Re: Submission of Open CID Investigation Files 2 (Dec. 19, 1969), quoted in Cooper memorandum, 10 Op. O.L.C. at 76.

Finally, both memoranda are confidential assessments of the evidence gathered during an ongoing criminal investigation and the application of the law to that evidence. Each memorandum expresses the author's personal views and analysis of the law and facts. We strongly believe that this Attorney General, and all future Attorneys General, must have the benefit of the candid, confidential recommendations of the FBI Director and Department attorneys in order to discharge their duties effectively. If those who write such memoranda

believe that their advice and recommendations could be disclosed to Congress or the public, they will be reluctant to set forth their true views or to make such recommendations at all.

These concerns are particularly acute since the Attorney General is currently evaluating the La Bella memorandum. To provide these documents to Congress could create an unavoidable and unacceptable perception that the Congress is seeking to influence law enforcement decisions for political reasons.

We also note, as your subpoena anticipates, that the La Bella memorandum and sections of the Freeh memorandum rely heavily on information obtained by the grand jury during the criminal investigation which, as you know, we are prohibited from disclosing under Rule 6(e) of the Federal Rules of Criminal Procedure. The Rule 6(e) information in the memoranda is closely intertwined with other material.

We remain committed to seeking to accommodate the Committee's oversight responsibilities and information needs to the fullest extent that we can, consistent with our law enforcement responsibilities. We are prepared to make the same accommodation that the Committee agreed to last year with respect to the Freeh memorandum and, after the Attorney General has completed her evaluation of Mr. La Bella's recommendation, provide a confidential briefing on appropriate portions of the La Bella memorandum.

Sincerely,

Janet Reno
Attorney General

Louis J. Freeh, Director
Federal Bureau of Investigation

Enclosures

cc: The Honorable Henry A. Waxman
Ranking Minority Member

EXHIBIT 14

Office of the Attorney General
Washington, D.C. 20530

August 4, 1998

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

Dear Mr. Chairman:

After reviewing your letter of August 3 and the press statements by members of your staff over the weekend, it is clear that the Committee's primary focus is my decisionmaking on the question of the appointment of an independent counsel. That is why I called you this morning and requested an opportunity to be heard at the Committee's hearing.

In light of your rejection of my request to be heard, let me explain the points I would have made had you permitted me to testify this morning.

I greatly respect the system of checks and balances that our founding fathers established. They wisely assigned each branch of government a distinct and limited role. One of Congress's most important roles is to oversee the work of the Executive Branch in order to better carry out its legislative duties. Among our most important functions are prosecuting criminals, making sure innocent people are not charged, and punishing wrongdoing.

When there is disagreement between the branches, our task as public servants is to find solutions that permit both branches to do their jobs. That is why I offered to testify this morning and why Director Freeh and I came up to visit with you last week -- to try to reach an accommodation with the Committee which allows you to pursue your oversight responsibilities while minimizing any interference with our ongoing criminal investigation.

As you know, the Department of Justice is conducting an investigation into allegations of criminal activity surrounding the financing of the 1996 presidential election. That investigation has charged 11 persons, and is still very much ongoing. We have more leads to run down, more evidence to obtain and analyze, and more work to do. More than 120 dedicated prosecutors, agents and staff are working on this investigation every day. And many targets, suspects and defense lawyers are watching our every move, hoping for clues that will tip them off and help them escape the law's reach.

Mr. Chairman, you have demanded that I provide two memoranda to the Committee. One was written by Director Freeh last fall, the other by Mr. La Bella and Mr. DeSarno. We have reviewed your request very seriously. Our concerns are set forth in the letter Director Freeh and I sent to you on July 28.

Last week, Director Freeh and I again offered an accommodation that we believe protects both your oversight role and our prosecutorial responsibilities. We explained that this memo is extensive, that I need to review it carefully and thoroughly, and that when I finish my review, I may or may not decide to trigger the Independent Counsel Act. The Justice Department is willing to provide the leadership of the Committee with a confidential briefing on appropriate portions of the La Bella memorandum after I have had an opportunity to evaluate it fully, in approximately three weeks.

According to Director Freeh, these memoranda offer a road map to confidential, ongoing criminal investigations. Even excluding grand jury information -- which you are not seeking -- such documents lay out the thinking, theories and strategies of our prosecutors and investigators, and the strengths and weaknesses of our cases. They talk about leads that need further investigation, and places where we've reached dead ends. Criminals, targets and defense lawyers alike can all agree on one thing -- they would love to have a prosecutor's plans.

Mr. La Bella's memorandum provides an overview of the investigation at this time. I am reviewing it with an open mind. If I do make a decision to appoint an independent counsel after you have taken an internal memo still under review, how will anyone believe that my decision was independent -- as the law requires? Indeed, to provide this memorandum to the Committee would be a grave disservice to an independent counsel if one were appointed and could undermine his or her ability to carry out an effective criminal investigation.

There are sound public policy reasons as well as law enforcement reasons why we cannot provide this document to the Committee. Suppose, for example, a Congressional committee wants to stop us from prosecuting someone the committee supports. What's to stop the committee from threatening Department lawyers with contempt, forcing them to produce their internal memos and making them public to everyone including the defendant's legal team? To demand the prosecutor's documents while the case is in progress would irreversibly taint our principles of justice and could harm the reputations of innocent people or even place witnesses in danger of retaliation. Such policies also would subject every prosecution decision to second-guessing and accusations that Congressional pressure affected the Justice Department's decisionmaking.

Even when conducting vigorous oversight, Congress has respected the principle that law enforcement must be free from even the appearance of partisan political tampering. And the Justice Department has adhered to this position for the better part of a century, under presidents from Teddy Roosevelt to Ronald Reagan–and under FBI Directors from J. Edgar Hoover to Louis Freeh.

More than 50 years after they were written, I ask you to consider the words of Attorney General Robert H. Jackson, who later served on the Supreme Court:

> It is the position of the Department...that all investigative reports are confidential documents of the executive department of the government, to aid in the duty laid upon the President by the Constitution to "take care that the laws be faithfully executed," and that congressional or public access to them would not be in the public interest.

Twelve years ago, the head of the Justice Department's Legal Counsel during President Reagan's administration, Charles J. Cooper added other concerns, including:

> ...well founded fears that the perception of the integrity, impartiality, and fairness of the law enforcement process as a whole will be damaged if sensitive material is distributed beyond those persons necessarily involved in the investigation and prosecution process.

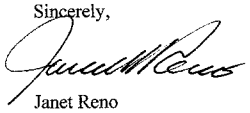
I know that you have cited several examples that you believe contradict these longstanding opinions. But we have analyzed your examples, and none of them deal with the demand you have made: to turn over law enforcement sensitive documents during a pending criminal investigation.

Mr. Chairman, we have worked very hard to respond to Congressional oversight requests. Since I became Attorney General, I and many other members of this Department have testified dozens of times, turned over thousands of documents, answered thousands of letters and provided countless briefings on matters large and small. As our campaign finance investigation has progressed, we have made every effort and taken extraordinary steps to accommodate your Committee's needs while protecting the integrity of the investigation. We have provided extensive testimony and briefings, including private briefings this winter about the contents of an internal memo by FBI Director Louis Freeh.

If future Attorneys General know that the innermost thinking behind their toughest law enforcement decisions will become fodder for partisan debate, then we risk creating a Justice Department and an FBI that tacks to political winds instead of following the facts and the law wherever they lead. If future law enforcement professionals cannot provide advice that is candid and confidential, we will have a government of "yes" men who advocate what is popular instead of what is right. And if future Congresses can poll the Attorney General's advisors or line attorneys in order to ferret out and promote opinions they approve of, then every controversial law enforcement decision will be tainted in the public's eyes. All of these concerns are most acute when Congress demands information and seeks to pressure me on a sensitive law enforcement matter that I have not yet made.

Given the importance of this matter, I would appreciate your including this letter in the hearing record. Thank you.

Sincerely,



Janet Reno

cc: The Honorable Henry Waxman
Ranking Minority Member

EXHIBIT 15

JRTON, INDIANA
HAIRMAN
MAN A. GILMAN, NEW YORK
NIS HASTERT, ILLINOIS
ANCE A. MORELLA, MARYLAND
TOPHER SHAYS, CONNECTICUT
TOPHER COX, CALIFORNIA
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E. MCHUGH, NEW YORK
EN HORN, CALIFORNIA
NICA, FLORIDA
S M. DAVIS III, VIRGINIA
M. MCINTOSH, INDIANA
E SOUDER, INDIANA
ARBOROUGH, FLORIDA
I. SHADEGG, ARIZONA
H C. LATOURETTE, OHIO
AL. MARK SANFORD, SOUTH CAROLINA
E. SUNUNU, NEW HAMPSHIRE
ESSIONS, TEXAS
IL PAPPAS, NEW JERSEY
SNOWBARGER, KANSAS
RR, GEORGIA
LLEA, FLORIDA
WIS, KENTUCKY

ONE HUNDRED FIFTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

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WASHINGTON, DC 20515-6143

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RANKING MINORITY MEMBER
TOM LANTOS, CALIFORNIA
ROBERT E. WISE, JR., WEST VIRGINIA
MAJOR R. OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
GARY A. CONDIT, CALIFORNIA
CAROLYN B. MALONEY, NEW YORK
THOMAS M. BARRETT, WISCONSIN
ELEANOR HOLMES NORTON,
DISTRICT OF COLUMBIA
CHAKA FATTAH, PENNSYLVANIA
ELIJAH E. CUMMINGS, MARYLAND
DENNIS J. KUCINICH, OHIO
ROD R. BLAGOJEVICH, ILLINOIS
DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
HAROLD E. FORD, JR., TENNESSEE

BERNARD SANDERS, VERMONT
INDEPENDENT

July 31, 1998

The Honorable Janet Reno
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Madame Attorney General:

I am writing regarding the meeting you, FBI Director Freeh, and I attended today in Chairman Burton's office. During this meeting, Mr. Burton told you that he would not seek to hold you in contempt of Congress if you sought the appointment of an Independent Counsel to investigate the President. I was concerned by Mr. Burton's comments and believe that they should not be allowed to taint your decision making process.

As you know, you and FBI Director Freeh requested a meeting with Mr. Burton and me today to discuss Mr. Burton's threat to hold you in contempt of Congress unless you turn over the memorandum written by Charles La Bella, the out-going head of the Justice Department campaign finance task force. At the meeting, you and Director Freeh explained that you opposed turning over the memorandum because of the damage it would do to your criminal investigation and the chilling effect it would have on future criminal prosecutions.

Mr. Burton informed you that he disagreed with your decision not to appoint an Independent Counsel and that he thought you were trying to protect the President. He stated that if you do not turn over the memorandum, he would hold a Committee meeting next week at which he would seek to have you held in contempt of Congress. He said that he was sure he would have the votes to prevail at the Committee level. He also said that he would ask the full House of Representatives to vote on the Committee's contempt recommendation when the House reconvenes in September after the August recess.

During the meeting, you proposed an alternative to Mr. Burton. You said that you were still considering the La Bella memorandum, that you wanted other lawyers in the Department to review the memorandum, and that you wanted to make the best decision possible. You stated that your review of the issues would take you about three weeks to complete. You offered to meet with Mr. Burton and me after you had made your decision to explain your decision. You

indicated that you would be prepared to discuss the contents of the La Bella memorandum with Mr. Burton at that time, but that it would be inappropriate to do so before a decision was made.

I stated my view that the Committee should not ask Mr. La Bella and Director Freeh to testify at the scheduled hearing on August 3 and that Mr. Burton should not seek to hold you in contempt next week. Instead, I urged him to wait for three weeks to allow you to make your decision about whether to appoint an Independent Counsel on the merits.

Mr. Burton rejected these proposals. He reiterated that the Committee would vote next week to hold you in contempt and that the full House would consider the matter in September. He then expressly stated that he would not insist on seeing the La Bella memorandum and would not seek a House vote on contempt if you decided to seek appointment of an Independent Counsel before the House reconvenes in September.

It is obviously inappropriate -- and at a minimum a clear violation of the House ethics rules -- for a member of Congress to seek to coerce an executive branch official to reach a predetermined conclusion on a discretionary matter. But that is exactly what happened today.

The Chairman's remarks were a blatant attempt to influence your decision. You were told that you could avoid being held in contempt of Congress if you acceded to Mr. Burton's demands that you seek appointment of an Independent Counsel. Conditioning a contempt citation on your willingness to appoint an Independent Counsel is clearly coercive -- and I urge you not to be influenced by the Chairman's threat.

The ethics rules of the House provide unambiguous guidance. The opinions of the Committee on Standards of Official Conduct state that in communicating with the Executive Branch: "Direct or implied suggestion of either favoritism or reprisal in advance of, or subsequent to, action taken by the agency contacted is unwarranted abuse of the representative role."[1] In this case, Mr. Burton made a direct statement that he would cease his efforts to hold you in contempt if you appointed the Independent Counsel he seeks. As the ethics opinion indicates, this is an unacceptable abuse of power.

Mr. Burton's tactics are not subtle. He knows that you cannot turn over the La Bella memorandum. For the last 100 years, the consistent precedent of the Department of Justice has been to refuse congressional requests for internal memoranda that contain the recommendations of federal prosecutors. As the Reagan Justice Department wrote, "the Department of Justice has an obligation flowing from the Due Process Clause to ensure that the fairness of the decision making with respect to the prosecutorial function is not compromised by excessive congressional

---

[1]Committee on Standards of Official Conduct, Advisory Opinion No. 1 (Jan. 26, 1970).

pressure."[2] This fundamental obligation would be violated if members of Congress were briefed and consulted about prosecutorial decisions before these decisions are made. Moreover, if you violated the longstanding Justice Department precedent in this instance, you and future Attorneys General would be compelled to do so in countless future cases.

Thus, Mr. Burton is seeking to place you in an untenable position. In effect, he has given you only two choices: (1) become the first Attorney General in history to be held in contempt of Congress because you cannot turn over the La Bella memorandum or (2) appoint the Independent Counsel that he demands.

I do not know whether you should appoint an Independent Counsel or not. Early last year, as your investigation was just beginning, I called upon you to appoint an Independent Counsel. Because I am not privy to the extensive evidence you have gathered since then, I do not know whether it is still appropriate to do so. But what I do know is that your decision should be made on the merits -- not tainted by intimidation from Chairman Burton.

Sincerely,

Henry A. Waxman
Ranking Minority Member

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

[2]Opinion of Assistant Attorney General Cooper (Apr. 28, 1986).

EXHIBIT 16

U.S. Department of Justice

Office of Legislative Affairs

Washington, D.C. 20530

September 25, 2000

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

Dear Mr. Chairman:

I am writing to express the Department's serious concern about the Committee's recent practice of subpoenaing public and private sector entities to produce copies of grand jury subpoenas and other documents relating to evidence gathered by the Campaign Financing Task Force, including subpoenas and documents relating to ongoing criminal investigations.

We are concerned that the Committee's attempts to compel disclosure of this material could compromise ongoing criminal investigations being conducted by the Task Force. Although I am sure your intent is to conduct oversight of our investigations and not to compromise pending criminal matters, the practice of "subpoenaing subpoenas" or otherwise using the congressional subpoena power to shadow the Department's ongoing investigations could undermine effective law enforcement by creating a substantial risk that sensitive and confidential investigative information will be disclosed to targets of investigations and to other persons who might use the information to thwart our law enforcement efforts. We believe that we can respond to your legitimate oversight interest in a manner which does not implicate ongoing investigations. An enclosed letter is illustrative of this point.

With respect to your recent subpoenas to the State and Commerce Departments, we have an additional concern about any action that might discourage those Departments from following the well-established "third agency" consultation practice for documents or information in an agency's possession that originated in another agency. In accordance with long-standing Executive Branch practice, agencies receiving an outside request – whether from Congress, a party in litigation, or a Freedom of Information Act requester – routinely consult with other agencies about documents or information that the latter agencies originated before responding to the requester. This practice recognizes the equities of originating agencies, and is designed to ensure that the interests and privileges of the entire Executive Branch, and not just the agency that receives the request, are appropriately considered.

The Justice Department has responsibility within the Executive Branch for ensuring that disclosures of information by government agencies do not compromise pending criminal investigations or otherwise undermine effective law enforcement. To fulfill that responsibility, it is not only appropriate, but essential, that the Justice Department have an opportunity to review documents relating to federal criminal investigations that are maintained at other agencies, and, where necessary, to object to a disclosure that might compromise an investigation.

As an example of the Justice Department's traditional practice in this area, I am attaching a copy of a November 23, 1990, letter from Assistant Attorney General W. Lee Rawls to Chairman Henry B. Gonzales, House Committee on Banking, Finance, and Urban Affairs, in which Assistant Attorney General Rawls notes that the Justice Department had conducted a pre-production review of documents in the possession of the Federal Reserve Board that the Banking Committee had requested from the Board and that related to the Department's ongoing investigation of Banca Nazionale del Lavora (BNL).

Please do not hesitate to contact me if you have any questions about our concerns.

Sincerely,

Robert Raben
Assistant Attorney General

cc: The Honorable Henry Waxman
Ranking Minority Member

Jim Thessin
Acting Legal Adviser
Department of State

James A. Dorskind
Acting General Counsel
Department of Commerce

EXHIBIT 17

DAN BURTON, INDIANA,
CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. McHUGH, NEW YORK
STEPHEN HORN, CALIFORNIA
JOHN L. MICA, FLORIDA
THOMAS M. DAVIS III, VIRGINIA
DAVID M. McINTOSH, INDIANA
MARK E. SOUDER, INDIANA
JOE SCARBOROUGH, FLORIDA
STEVEN C. LATOURETTE, OHIO
MARSHALL "MARK" SANFORD, SOUTH CAROLINA
BOB BARR, GEORGIA
DAN MILLER, FLORIDA
ASA HUTCHINSON, ARKANSAS
LEE TERRY, NEBRASKA
JUDY BIGGERT, ILLINOIS
GREG WALDEN, OREGON
DOUG OSE, CALIFORNIA
PAUL RYAN, WISCONSIN
HELEN CHENOWETH-HAGE, IDAHO
DAVID VITTER, LOUISIANA

ONE HUNDRED SIXTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

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RANKING MINORITY MEMBER
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JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
HAROLD E. FORD, JR., TENNESSEE
JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

May 11, 2000

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

Dear Henry:

At last Wednesday's hearing, you announced your intention to offer a motion to issue a subpoena to compel the Attorney General to appear before the Committee and produce certain documents. These documents included FBI interview summaries, or 302s, from investigations of Haley Barbour and Congressman Tom DeLay. You made this announcement with no advance notice to the Majority.

Last Wednesday, you told the Committee that there was a legitimate oversight need for the 302s in question. What you failed to disclose was that, at almost the same time you were preparing to make your motion, the Chairman of the Democratic Congressional Campaign Committee, Congressman Patrick Kennedy, was filing a politically motivated lawsuit against Congressman DeLay. *The Hill* newspaper recently concluded: *"Tom DeLay is right. The Democratic lawsuit is absurd."* Former White House Counselor Paul Begala wrote yesterday, *"The Congressional Democrats' racketeering lawsuit against Tom DeLay, the House majority whip, is wrong, ethically, legally and politically."* Your conclusion that the DCCC lawsuit is irrelevant to this Committee's deliberations is extremely troubling. Any argument that the timing of the lawsuit and your request are unrelated strains credulity. Rather, the timing suggests very strongly that your motion was part of a larger, coordinated effort driven by the DCCC to pursue politically motivated attacks against the Majority Whip.

Last Wednesday, based on your assertion that there was a legitimate oversight need for the 302s in question, I agreed to issue a subpoena for the documents you requested, as long as other Justice Department materials already under subpoena by the Committee are first provided. However,

having later been informed of the DCCC lawsuit, and having had the chance to think about the matter over the weekend, I have concluded that your request was not a proper one. This Committee should not be used by political party committees to pursue politically inspired lawsuits against Members of Congress.

At the outset of our investigation into allegations of political fundraising illegalities, I made a determination that this Committee should leave allegations against Members of Congress to the Committee on Standards of Official Conduct. The events of last week reinforce my belief that this was a good decision. As you are aware, the Committee on Standards of Official Conduct is a bipartisan committee, made up of equal numbers of Republicans and Democrats, and it has special rules to pursue such investigations. Pursuing such investigations outside of this framework opens the door to political abuses. While there have certainly been instances of Justice Department investigations of Democratic Members of Congress that have merited scrutiny, I have declined to do so because I do not believe that it is the proper role of this Committee.

Had you given the Committee more advance notice of your intention to make your motion last week, and had you fully disclosed the activities of your party colleagues, the Committee could have made a more fully informed decision about how to proceed. However, having had time to reflect on the events of last week, I have come to the following conclusions. First, I believe that a legitimate case can be made that there is a proper oversight interest in reviewing the FBI 302s from the investigation of Haley Barbour. I am prepared to issue a subpoena for those 302s as soon as the Attorney General has complied with all currently outstanding subpoenas from the Committee. This will allow the Committee to evaluate the Justice Department's performance in that investigation. Second, I believe that your request for the FBI 302s involving Congressman DeLay is driven primarily by political considerations, and I am not prepared to issue a subpoena for these materials. Third, if you continue to wish to offer the motion you prepared last week, I will make appropriate arrangements for you to do so at the Committee's next business meeting.

I hope that the next time you decide to pursue a similar motion, you will give Members of the Committee more notice and disclose all of the relevant facts.

Sincerely,

Dan Burton
Chairman

cc: Members, Committee on Government Reform

EXHIBIT 18

DAN BURTON, INDIANA,
CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
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COMMITTEE ON GOVERNMENT REFORM

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JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

May 12, 2000

The Honorable Dan Burton
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Burton:

I have been a member of the institution of Congress for many years. I would like to believe that despite any differences in party affiliation, policy views, or personalities, all Members of Congress would agree that the ability to keep a promise is integral to performing the job we were elected to do. Congress simply could not function if members could not rely on each other's word.

For this reason, I was profoundly disappointed to receive your May 11, 2000, letter. On May 3, in a public hearing with the vast majority of Committee members present, you promised to issue a subpoena to Attorney General Janet Reno for copies of FBI interviews of witnesses with knowledge about potential campaign finance violations by Haley Barbour and Tom DeLay.

Yet despite giving me and other members your word, your May 11 letter states that you will not honor your commitment.

Your justification for refusing to issue the subpoena relating to Mr. DeLay is that my request was "part of a larger, coordinated effort driven by the DCCC to pursue politically motivated attacks." This is categorically untrue. Since August 1998, the Democrats on the Committee have repeatedly asked you in writing and at Committee hearings to investigate the DeLay allegations. You have repeatedly refused to respond to these requests. I raised the issue again at the May 3 hearing because it presented our first opportunity to seek a Committee vote -- not because of the DCCC actions. In fact, neither I nor anyone on my staff involved in making the request for the subpoena was aware of the DCCC lawsuit until after the hearing.

Regarding Haley Barbour, your new position flatly contradicts your commitment. On May 3, you promised to subpoena Democratic and Republican records "simultaneously." Yet now you are saying that you won't issue the Haley Barbour subpoena until after the Justice Department complies with your subpoenas for Democratic records. In effect, this means you will

never issue the Haley Barbour subpoena since, as you know, some of your subpoenas seek information about active criminal cases that the Justice Department has properly refused to supply at this time.

The following discussion responds in detail to your May 11 letter.

I. The May 3 Commitments

One of the witnesses at the May 3 hearing was Robert Raben, Assistant Attorney General at the Justice Department. You had requested that he appear before the Committee to discuss, among other items, our Committee's access to FBI interview summaries relating to campaign finance violations by Democrats. These interview summaries are known as "FBI 302s."

Before Mr. Raben made his opening statement at the hearing, my staff notified your staff of my intent to make a motion to request additional interview summaries from the Department of Justice. During my questions to Mr. Raben, I said that there were two sets of allegations involving Republican campaign finance violations that the Committee should investigate. The first set of allegations involved potentially illegal foreign contributions solicited by Haley Barbour when he was the head of the Republican National Committee. The second set of allegations involved a potentially illegal conduit contribution scheme involving Texas businessman Peter Cloeren and orchestrated by Rep. Tom DeLay.

I listed a number of individuals who purportedly have knowledge relevant to the Barbour and DeLay allegations and asked Mr. Raben if the Justice Department would provide the Committee with summaries of any interviews conducted with these individuals regarding the Barbour and DeLay allegations. He responded that the Justice Department's policy is to provide the Committee with interview summaries relating to closed investigations, if request comes from the Committee. I then asked you if you would join me in requesting that the Department of Justice provide the Committee with these interview summaries.

You proposed the following: "[W]hy don't we issue a subpoena ... for the 302s that you have requested and in that subpoena we will request or we will issue a subpoena that includes the documents that we have requested and the 302s that we have requested. That way, everything will be in one subpoena. That way, you'll get what you want, and we'll get what we want. Do you have any objection to that?"

I responded: "I think we have the makings of an agreement. I just want to clarify that what we want in the subpoena are the names that I read with regard to the Haley Barbour allegations and the Cloeren allegations, all of those, and you have the list we've given you, of those cases. ... If you want to add to that subpoena other documents, I have no problem with that."

You replied: "Well, what we want to do is make sure that all documents that we have previously subpoenaed, all 302s that we've requested and subpoenaed in addition to what you've requested here today, all be given to us in a timely fashion." You said that you "don't want the 302s for Republicans given to the Democrat minority before we get the documents that we've requested subpoenaed in the past. Simultaneously, that's fine. But we don't want this favoritism shown one way or the other."

I agreed to that.

You elaborated: "How about in the subpoena it be specified that all the documents be given jointly to both the majority and minority staff simultaneously?"

I agreed to that.

At this point, you stated that there was not a need for a motion on this matter and agreed to submit the list of names I had proposed for the subpoena into the record. You then stated: "The subpoena in detail will be issued and we will consult with both the majority and minority counsels to make sure that correspondence going along with the subpoena is detailed thoroughly so there's no misunderstanding about that."

Your made this promise not just to me but to virtually all of the Democrats on the Committee, who were present and prepared to debate and vote if no agreement was reached. In fact, the vast majority of all Committee members were present when your commitment was made, as were television and internet cameras that were broadcasting to the public across the nation. The only objection noted for the record was by Mr. Barr.

Mr. Ose subsequently asked whether the understanding with respect to Department of Justice production to the Committee was "we would not receive anything until we received everything?" You stated: "It was my understanding that there might be a rolling production of these things, but the minority and majority together would make sure that they were given in a timely fashion and in a fair and equitable way."

A copy of the relevant portion of the transcript from the May 3 hearing is attached as exhibit A.

II. The May 11 Letter

In your May 11 letter, you now say that you will not issue a subpoena for 302s relating to allegations involving Mr. DeLay. You further say that with respect to 302s regarding allegations concerning Mr. Barbour, you will not issue a subpoena until "the Attorney General has complied with all currently outstanding subpoenas from the Committee."

You offer several justifications for your decision to change your commitment. None of these withstands scrutiny.

A. The DeLay-Related Records

You state that you have concluded that my request for interview summaries relating to Mr. DeLay was not proper because at the time I was making the request, I "failed to disclose" that the Democratic Congressional Campaign Committee was filing a lawsuit against Mr. DeLay. You allege that the timing of this lawsuit and my request for interview summaries "suggests very strongly that your motion was part of a larger, coordinated effort driven by the DCCC to pursue politically motivated attacks against the Majority Whip."

Your contention is simply untrue. As I stated above, neither I nor anyone on my staff involved with the request for 302s had knowledge of the DCCC lawsuit until after the May 3 hearing.

The allegations involving Mr. DeLay first arose on August 5, 1998. On that date, *The Hill* reported that Republican donor Peter Cloeren had filed a complaint with the Federal Election Commission charging that, in 1996, Mr. Delay and then-Republican congressional candidate Brian Babin had participated in a scheme to funnel conduit contributions to Mr. Babin's campaign. Mr. Babin was then running against Jim Turner, who ultimately won the election.

Since then, I and other Democrats on the Committee have repeated urged you to investigate these allegations. For example:

- On August 6, 1998, every Democrat on the Committee except Mr. Turner wrote to you urging that the Committee schedule a hearing on these allegations when it returned from August recess.

- On October 8, 1998, at a Committee hearing, I released an affidavit my staff had obtained from Mr. Cloeren and reiterated my interest in having the Committee investigate his serious charges.

- On November 8, 1999, I wrote to you to request a vote on immunity for several witnesses relevant to the allegations involving Mr. DeLay.

- On November 10, 1999, at a Committee business meeting, I renewed my request that you investigate the allegations involving Mr. DeLay.

In addition, I wrote to the Justice Department on December 9, 1999, requesting that the Committee have access to the 302s relating to the allegations involving Mr. DeLay, and I notified

you of this request.

Despite these repeated requests, you have repeatedly refused to investigate any allegations involving Mr. DeLay. In fact, to this date, you have not even responded to the August 6, 1998, letter that all the Democratic members of the Committee except Mr. Turner sent you.

Against this backdrop, my reason for raising the DeLay allegations at the May 3 hearing should be obvious. The hearing provided my first opportunity to bring the issue before the Committee for a vote. Under the House rules and the Committee rules you adopted, a member may not make a subpoena request at a hearing unless the subpoena request is relevant to the subject matter of the hearing. At the May 3 hearing, the Department of Justice witness was called before the Committee specifically to discuss the production of interview summaries by the Department to the Committee, among other matters. The issue of obtaining additional 302s from the Department was therefore directly relevant to the matters before the Committee at the May 3 hearing.

In short, I raised the DeLay issue at the May 3 hearing because I and other Democrats had been repeatedly thwarted in our attempts to persuade you to investigate these serious allegations -- not because I was "coordinating" with a DCCC effort that neither you nor I knew anything about.

B. <u>The Barbour-Related Records</u>

In your letter, you claim that you are prepared to issue a subpoena for the records relating to Haley Barbour. With respect to interview summaries concerning Mr. Barbour, you state: "I am prepared to issue a subpoena for those 302s as soon as the Attorney General has complied with all currently outstanding subpoenas from the Committee."

In fact, as you well know, your new approach will result in no subpoena ever being issued. Your numerous requests to the Department of Justice include requests relating to open investigations. While the Department of Justice has produced many documents to the Committee and has stated that it will continue to produce documents in response to the Committee's pending requests, the Committee will not receive all of the documents relevant to the outstanding subpoenas until the investigations to which they pertain are closed.

The distinction between records relating to open versus closed investigations was made clear at the May 3 hearing. Mr. Raben reiterated the Department of Justice's position that "Our policy for the provision of 302s has been that the 302 should be a summary of a closed case." Similarly, I stated, "for the 302s on cases that are closed, the Repubicans ought to get what they've requested and we ought to get what we've requested."

Your letter blatantly mischaracterizes your May 3 commitment. Your letter states, "I agreed to issue a subpoena for the documents you requested, as long as other Justice Department materials already under subpoena by the Committee are first provided." In fact, this is not what you agreed. To the contrary, as the discussion in part I makes abundantly clear, you agreed to pursue both your subpoena requests and my subpoena requests "simultaneously."

C. Lack of Notice

You also inaccurately state that I made the request for the subpoena "with no advance notice to the Majority."

Under the House and Committee rules, there is no requirement that I provide any notice before making a motion for issuance of a subpoena under House rule 11 clause 2(k)(6). Despite the fact that I was not required to provide any notice, my staff in fact notified your staff of my intention to seek a subpoena at the end of the first panel of witnesses. This notice was provided before the Committee recessed for House votes that lasted approximately 45 minutes, before Mr. Raben gave his opening statement, and before your staff commenced staff questioning of Mr. Raben, which consumed another 30 minutes. At the time my staff provided this advance notice, my staff advised your staff of my staff's conversations with the House Parliamentarians about the motion and suggested that your staff contact the Parliamentarians independently to confirm the appropriateness of the motion. When your staff sought information about the individuals whose 302s I was seeking, this information was also provided to your staff.

In other words, this was not at all a situation like the one that occurred during the Committee's April 6 hearing on vaccines, where you called a witness out of the audience with no notice to the minority, despite a Committee rule requiring three days of notice to the minority regarding witnesses.

D. Partisanship

Your letter suggests that my request to subpoena additional interview summaries from the Justice Department sought to use the Committee for partisan purposes. In fact, my request reflected exactly the opposite intent.

This Committee has conducted the most partisan investigation in history. When the Committee has examined conduit contributions, you have focused exclusively on Democratic contributions. When the Committee has looked at foreign money, you have focused exclusively on Democratic contributions. When the Committee has examined Justice Department efforts to investigate campaign finance abuses, you have focused exclusively on investigations of Democratic allegations.

The statistics bear this out. For example, over 99% of the 914 subpoenas you have unilaterally issued in this investigation targeted Democrats. Of the 161 depositions taken by the Committee for this investigation, 159 targeted Democrats. That's why your investigation has been called "a sorry partisan spectacle,"[1] "a House investigation travesty,"[2] "a joke,"[3] "useless and unprofessional,"[4] "a permanent vendetta,"[5] "out of control,"[6] "inept,"[7] "embarrassing" and "debasing,"[8] and "a partisan witch hunt"[9] by independent editorial boards across the country.

What I was trying to do with my request was to bring some balance to the investigation. Your requests for 302s to the Justice Department involve hundreds of interview summaries relating to allegations of potential Democratic abuses. Yet the Department's campaign finance investigation has been investigating Republicans as well as Democrats. Before agreeing to my request on May 3, you were not conducting oversight of the Justice Department in a credible or nonpartisan manner. I viewed your May 3 commitment as the first significant act in your four-year investigation that was evenhanded and bipartisan.

Your May 11 letter demonstrates that you remain intent on conducting a relentlessly biased and partisan investigation -- even at the cost of your personal integrity.

III. Conclusion

You had several options in determining how to proceed.

First, you could -- and should -- have honored your commitment and issued the

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[1] *Reno Roast Embarrasses Nobody But Congress: Grilling Of Attorney General Is A Sorry Partisan Spectacle*, Los Angeles Times (Dec. 10, 1997).

[2] *A House Investigation Travesty*, New York Times (Apr. 12, 1997).

[3] *Mr. Burton Should Step Aside*, Washington Post (March 20, 1997).

[4] *A Disintegrating House Inquiry*, New York Times (July 12, 1997).

[5] *Burton's Vendetta*, Boston Globe (May 5, 1998).

[6] *Dan Burton Is A Loose Cannon*, Hartford Courant (May 5, 1998).

[7] *Clinton's Foes Bungle Again*, Atlanta Constitution (May 5, 1998).

[8] *Give Dan Burton the Gate,* Chicago Tribune (May 6, 1998).

[9] *Tale of the Tapes*, Pittsburgh Post-Gazette (May 8, 1998).

appropriate subpoena.

Second, if you were suspicious of whether there was a connection between the DCCC lawsuit and my request for 302s, you could have asked me personally whether I had been aware of the lawsuit when I made the request or was coordinating with the DCCC on this matter. Indeed, on May 4, the day after the May 3 hearing where we reached agreement on a subpoena to Mr. DeLay, you and I sat next to each other for much of the day at a full Committee hearing. The news of the lawsuit was in the morning papers that day. You could have asked me about this at numerous points during the hearing.

Another alternative would have been for you to ask your staff to contact my staff to investigate and discuss your concerns relating to issuing the subpoena. Your staff never talked to my staff about the subpoena after the May 3 hearing. In fact, between the time of our May 3 agreement on the subpoena and your May 11 letter, my staff tried to reach your staff four separate times, leaving messages each time explaining our interest in discussing the status of the subpoena. Your staff did not respond to any of these messages.

Alternatively, if you were intent on breaking your commitment regardless of the facts, you could have at least done so in a forthright manner, acknowledging that you had made an agreement you would no longer honor.

Instead, you chose the worst option possible. Without bothering to consult with me, your May 11 letter reneges on your commitment on the basis of untrue allegations that you did not investigate.

I intend to consult with my Democratic colleagues regarding how to proceed.

Sincerely,

Henry A. Waxman
Ranking Member

Enclosure

cc: Members of the Committee on Government Reform

EXHIBIT 19

FOR IMMEDIATE RELEASE CRM

SUNDAY, MAY 3, 1998

STATEMENT OF CHARLES LA BELLA

"It would ordinarily be inappropriate for me to talk about internal Department of Justice deliberations, but because my recent statements have been misconstrued in the press I feel obligated to do so.

"Last year, when the Attorney General was considering whether to seek the appointment of an independent counsel, I recommended to her that she do so with respect to the telephone solicitations made by the President and the Vice President. I had a full opportunity to present my views to the Attorney General, as did others, and we discussed the issues thoroughly. At the end of the process, I was completely comfortable with her decision not to seek an independent counsel and with the process by which she reached that decision. I have never told anyone anything different.

"Since that time I have not recommended that she seek appointment of an independent counsel. The Attorney General regularly asks me whether I believe the evidence warrants that step and I always give her my candid advice, which has not included a recommendation that she seek an independent counsel.

"I do not intend to leave as head of the Task Force until my replacement has been chosen and an orderly transition can occur. The report which I am planning to write is an effort, in connection with the transition, to pull together all of the many strands of the investigation for the Attorney General and for my replacement. Of course, as always, if I conclude that the evidence and the law warrant appointment of an independent counsel, I will so recommend, as the Attorney General has always encouraged me to do.

"The Attorney General and the Deputy Attorney General have fully supported the Task Force, and I have every confidence in the way they are handling the matter. They are committed to a vigorous investigation and prosecution of all campaign finance matters and have told me to pursue the evidence wherever it leads. That is what I have done and what I expect the Task Force to continue to do."

EXHIBIT 20

FOR IMMEDIATE RELEASE

CRM

WEDNESDAY, JUNE 21, 2000

(202) 616-2777

WWW.USDOJ.GOV

TDD (202) 514-1888

THAI BUSINESSWOMEN AGREE TO PLEAD GUILTY TO CAMPAIGN FINANCING CHARGES

WASHINGTON, D.C. -- Pauline Kanchanalak, a Thai national, and Duangnet Kronenberg today agreed to plead guilty to campaign financing-related offenses and to cooperate in the Justice Department's ongoing investigation, the Campaign Financing Task Force announced. Kanchanalak and Kronenberg will enter their guilty pleas before the U.S. District Judge Paul L. Friedman in Washington D.C. at 2:00 p.m. on Friday, June 23, 2000. The two are among 25 people charged by the Campaign Financing Task Force, which was established four years ago by Attorney Janet Reno to investigate allegations of campaign financing abuses in the 1996 election cycle.

In a plea agreement, filed today in U.S. District Court in Washington, D.C., Kanchanalak agreed to plead guilty to a 2-count criminal Superseding Information, which also was filed with the court today. Count One of the Information charges Kanchanalak with participating in a conspiracy to cause false statements to be made to the Federal Election Commission from 1992-1996. According to the Information, she conspired to use foreign funds to make prohibited federal and non-federal political contributions to the Democratic National Committee and other campaign committees. She further conspired to have those committees report the illegal contributions to the FEC without the true source of the illegal contributions being detected by the FEC.

According to the plea documents, Kanchanalak caused more than $690,000 in foreign money to be contributed to the DNC and other political committees between 1992 and 1996. All of the illegal contributions were made on checks drawn on the accounts of Duangnet Kronenberg and Praitun Kanchanalak, who is Duangnet Kronenberg's mother and Pauline Kanchanalak's mother-in-law. A portion of the funds that were used to make the illegal contributions were provided to Kronenberg and Praitun Kanchanalak by Ban Chang International (USA), Inc. (BCI), a Cayman Islands corporation of which Pauline Kanchanalak was President. Duangnet Kronenberg also was an officer of BCI.

According to the Superseding Information, Kanchanalak engaged in the conspiracy in order to gain favor with the DNC, and thereby to gain attendance to fundraising and political events with President Clinton, members of his Administration, and prominent members of the business community. Kanchanalak and her coconspirators believed this would help develop business and networking opportunities for Kanchanalak and BCI's clients. More than $457,000 of the illegal contributions caused by Pauline Kanchanalak were provided to the DNC and five state Democratic party

committees in connection with a "coffee" held at the White House on June 18, 1996. The coffee was attended by, among others, President Clinton, Pauline Kanchanalak, John Huang, and two executives of Charoen Pokphand Group (also known as the CP Group), a Thai corporation.

Count Two of the Superseding Information charges Pauline Kanchanalak with causing BCI to make an illegal $20,000 corporate contribution to the DNC's federal account in May 1994, in criminal violation of the Federal Election Campaign Act ("FECA").

Kanchanalak faces maximum penalties of six years of imprisonment and a fine of $350,000.

Duangnet Kronenberg has agreed to plead guilty to a one-count criminal Superseding Information charging her with causing BCI to make an illegal $10,000 corporate contribution to the DNC's federal account in February 1996, in criminal violation of the FECA. Kronenberg faces a maximum penalty of one year of imprisonment and a fine of $100,000.

In July 1998, Kanchanalak and Kronenberg were indicted on charges connected to the conduct to which they have now agreed to plead guilty. In December 1998 and February 1999, Judge Friedman dismissed various counts in the pending indictment against the two, but the Task Force appealed Judge Friedman's decisions, and obtained a reversal of those rulings in the D.C. Circuit Court of Appeals. All of the dismissed counts were reinstated by the D.C. Circuit, which held, among other things, that, under current law, foreign nationals may not contribute either federal ("hard") or non-federal ("soft") money to campaign committees in the United States.

After the appellate decision was rendered, the court ultimately rescheduled the trial for November 13, 2000. In exchange for their guilty pleas, the Task Force has agreed to dismiss the pending indictment at the time of Kanchanalak's and Kronenberg's sentencings.

In addition to Pauline Kanchanalak and Duangnet Kronenberg, the Task Force has prosecuted 23 other individuals.

On June 6, 2000, Audrey Yu, an employee of David Chang, pled guilty in U.S. District Court in Newark, N.J., to conspiring to obstruct justice by providing a false document to a federal district court during the grand jury's investigation into campaign financing violations in New Jersey.

On June 2, 2000, David Chang pled guilty to charges that as a principal of Nikko Enterprises, Bright & Bright Corporation, Panacom Inc., and Hudson Terrace Realty Management Corporation, he conspired to funnel illegal campaign contributions to Senator Robert Torricelli's 1996 campaign. Chang also pled guilty to four substantive violations of the FECA for his role in funneling illegal campaign contributions in others names. Chang further pled guilty to corruptly attempting to persuade a potential grand jury witness to give false statements related to a financial transaction which was material to the grand jury investigation. Chang's sentencing date has been set for September 7, 2000.

On June 1, 2000, Cha-Kuek Koo, a Korean national residing in New Jersey, pled guilty to violating federal election law by making illegal contributions to Senator Torricelli's campaign. Koo admitted to assisting David Chang in making conduit contributions using Koo's employees at LG Group, Executive Office of the Americas. Koo's sentencing has also been set for September 7, 2000.

On April 5, 2000, a federal grand jury indicted two Buddhist nuns, Venerables Yi Chu and Man Ho, with contempt of court for failing to appear as witnesses in the government's criminal trial against Maria Hsia. Yi Chu and Man Ho remain fugitives.

On March 2, 2000, Maria Hsia was convicted in federal district court in Washington, D.C., on charges of causing false statements to be submitted to the FEC. The trial had been postponed pending an appeal of a ruling by the U.S. District Court in Washington, D.C., which had dismissed some of the false statement counts. In May 1999, the U.S. Court of Appeals in Washington, D.C. overturned the ruling and reinstated those counts. The task force dismissed a second indictment on tax charges after a jury in Los Angeles failed to reach a verdict. Hsia awaits sentencing in September.

On December 17, 1999, Yogesh Gandhi was sentenced to one year in prison for mail fraud, tax evasion, and violating federal election laws by aiding and abetting the making of a political campaign contribution by a foreign national.

On November 1, 1999, Yah Lin "Charlie" Trie, a Little Rock, Arkansas businessman, was sentenced, after pleading guilty, to a two-count information filed in Little Rock, Arkansas, to three years probation, four months home detention, 200 hours of community service, and a $5,000 fine for violating federal campaign finance laws by making political contributions in someone else's name and by causing a false statement to be made the FEC. Antonio Pan was also indicted with Trie in the District of Columbia, but has not yet been prosecuted because he has remained outside the United States.

On September 15, 1999, Lawrence Penna, the former President of a now-defunct New Jersey securities firm, was charged with violating election laws by funneling illegal campaign contributions to the 1996 federal election campaigns of President Clinton and Senator Torricelli. Penna's case was transferred by agreement to the Southern District of New York, where charges relating to his violation of United States' securities laws were pending.

On August 16, 1999, a federal judge sentenced Robert S. Lee to three years of probation and 250 hours of community service for aiding and abetting the making of an illegal foreign campaign contribution to the Democratic National Committee.

On August 12, 1999, former Lippo Executive John Huang pleaded guilty to a felony charge, filed in U.S. District Court in Los Angeles, that he conspired with other employees of the Indonesia-based Lippo Group to make campaign contributions and reimburse employees with corporate funds or with funds from Indonesia. He was sentenced to one year of probation, 500 hours of community service, a $10,000 fine and directed by the judge to continue cooperating with the investigation as a condition of his probation.

In June 1999, Berek Don, former GOP party leader in Bergen County, NJ, pled guilty to another conduit contribution scheme to the Senator Torricelli Campaign. Don awaits sentencing. On December 1, 1999, Carmine Alampi, a Bergen County New Jersey attorney, pleaded guilty to the same scheme. He awaits sentencing.

On March 23, 1999, Juan C. Ortiz, the Chief Financial Officer of Future Tech International, Inc., was sentenced to two years probation, $20,000 in fines, and 200 hours in community service for acting as a conduit for an illegal campaign contribution and participating in the reimbursement of eight other conduit contributions.

On December 14, 1998, Johnny Chung was sentenced to probation and 3,000 hours of community service for bank fraud, tax evasion and two misdemeanor counts of conspiring to violate election law.

On November 24, 1998, Howard Glicken, a fund-raiser for the Democratic

party, was sentenced to 18 months probation, an $80,000 fine, and ordered to perform 500 hours of community service for violating campaign finance laws.

On November 4, 1998, Franklin Haney was indicted on more than 40 counts, including among others, conspiring with another to defraud the United States by impairing and impeding the FEC and conspiring to violate specific provisions of federal election law. He was acquitted of all charges on June 30, 1999.

On September 30, 1998, Democratic fund-raiser Mark B. Jimenez was indicted in Washington, D.C. on 17 counts of organizing, making and concealing illegal conduit contributions to a number of Democratic campaigns, including the Torricelli Campaign. In December 1998, Future Tech International, Jimenez's Miami based computer sales company, pleaded guilty to tax offenses resulting from its illegal deduction of a $100,000 contribution to the DNC and employee campaign contributions reimbursed through the company's payroll. On April, 15, 1999, Jimenez, who is now in the Philippines, was indicted in Miami on additional charges of tax evasion and fraud. The task force is pursuing Jimenez's extradition from the Philippines.

In 1997, the Task Force obtained guilty pleas from Democratic fund-raisers Nora and Gene Lum, and their daughter Trisha, and Michael Brown for illegal fund-raising activities after their cases were referred from Independent Counsel Daniel Pearson. In August 1998, Gene Lum pleaded guilty to filing a false 1994 tax return and falsely preparing Nora Lum's 1994 tax return. After cooperating with the government, he was sentenced in June 1999, to two years in prison. Nora Lum was sentenced to 5 months in a halfway house, 5 months in home detention, and ordered to pay a $30,000 fine, a sentence which Gene Lum also served separate and apart from the sentence he received for his tax-related conviction. Trisha Lum and Michael Brown each received probation, a $5,000 fine, costs of more than $7,000, and were ordered to perform 150 hours of community service.

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