

105TH CONGRESS
2D SESSION

H. RES. 431

Disapproving the manner in which Representative Burton has conducted the Committee on Government Reform and Oversight's investigation of political fund-raising improprieties and possible violations of law.

IN THE HOUSE OF REPRESENTATIVES

MAY 14, 1998

Mr. GEPHARDT submitted the following resolution; which was laid on the table

RESOLUTION

Disapproving the manner in which Representative Burton has conducted the Committee on Government Reform and Oversight's investigation of political fund-raising improprieties and possible violations of law.

Whereas the Supreme Court of the United States has noted that, although the power to conduct investigations is inherent in the legislative process, that power is not unlimited, may be exercised only in aid of the legislative function, and cannot be used to expose for the sake of exposure alone;

Whereas the Supreme Court of the United States has further noted that the investigative power of Congress contains "no general authority to expose the private affairs of individuals without justification in terms of the functions of Congress";

Whereas Representative Burton is the only Member in the history of the House of Representatives who has had the power to unilaterally issue subpoenas and the power to disclose information obtained therefrom, and has abused these powers;

Whereas the Committee on Standards of Official Conduct has determined that it is improper to alter a House document if such alteration changes the meaning or extensively modifies the document;

Whereas the Speaker of the House of Representatives has correctly and steadfastly called for adherence to the Rule of Law and emphasized that no man is above the law;

Whereas those upon whom the House of Representatives has bestowed its Constitutional power to investigate must abide by the Rule of Law, and must exercise the investigative power fairly and judiciously and in a manner that will preserve the dignity of the House and reflect credit thereon;

Whereas the Rules of the House of Representatives provide that documents and other materials obtained pursuant to a Committee subpoena are records of the Committee that may not be publicly disclosed by a chairman without authorization by the Committee;

Whereas the Committee on Government Reform and Oversight has adopted procedures governing the public disclosure of documents and other materials obtained pursuant to a Committee subpoena;

Whereas pursuant to a Committee subpoena, Representative Burton obtained from the Department of Justice tape recordings of the telephone conversations engaged in by Webster Hubbell while in prison;

Whereas the Department of Justice advised Representative Burton of his responsibility to pay special regard to the sensitive nature of the tape recordings, which recordings the Department of Justice could not lawfully disclose to the public;

Whereas Representative Burton intentionally violated the Rules of the House of Representatives and the procedures of the Committee on Government Reform and Oversight, and displayed an utter disregard for both the privacy rights of those involved and the ability of the Bureau of Prisons to perform its functions effectively by publicly disclosing the tape recordings and transcripts of telephone conversations between Webster Hubbell and his wife, other family members, friends, and attorneys;

Whereas the transcripts publicly disclosed by Representative Burton in violation of the Rules of the House of Representatives and the procedures of the Committee had been altered and selectively edited so as to mislead Members of the House of Representatives and the public, distort the public record; impair the ability of the House of Representatives to perform its legislative and oversight functions, and violate the integrity of Committee proceedings;

Whereas the materials publicly disclosed by Representative Burton in violation of the Rules of the House of Representatives and the procedures of the Committee contained conversations between a husband and wife pertaining to family, personal, medical, and marital problems; and

Whereas, through these actions, his failure to abide by the Rule of Law, and his consistent abuse of the investigative powers of the House of Representatives, Representative

Burton has brought discredit upon the House of Representatives: Now, therefore, be it

1 *Resolved*, That the House of Representatives dis-
2 approves of the manner in which Representative Burton
3 has conducted the Committee on Government Reform and
4 Oversight's investigation of political fund-raising improp-
5 rieties and possible violations of law.

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