

Statement of Representative Henry A. Waxman
July 20, 2000

This hearing makes me think that the Attorney General should revive an old Johnny Carson routine.

She should take the letter Mr. Burton sent her this week about the campaign finance investigation, make a copy of it, and file it away in a hermetically sealed jar. That way, she will always have it as an irreplaceable and pristine memento of political absurdity.

There is something exquisite in Mr. Burton lecturing the Attorney General on how to run a competent investigation.

Three years ago the Chief Counsel of this 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."

Two years ago, when the Chairman released the doctored Webb Hubbell transcripts, one Republican investigator was quoted saying, "I'm ashamed to be part of something that's so unprofessional."

In the days after the Hubbell transcript debacle, Newt Gingrich, no shrinking violet when it came to investigations into Democrats, insisted that Mr. Burton's chief investigator be fired and told Mr. Burton he should be "embarrassed."

In four years, the Chairman has run through four Chief Counsels...by my count we've had at least three different chief investigators ... at least three of his press secretaries have come and gone...and altogether, nearly 70 people have left the Committee staff.

That's a remarkable record. It explains why the congressional expert Norman Ornstein said, "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."

Moreover, the Attorney General should be especially attentive to any letter from the Chairman that purports to interpret words from tapes, as his most recent letter does.

Mr. Burton is convinced that Vice President Gore is saying on the tape, "We ought to, we ought to, we ought to show Mr. Riady the tapes, some of the ad tapes."

Maybe it does. Or maybe the reference is to "Dottie" or "Lottie" or even "John Gotti" -- or who knows what.

This episode has made me think back to October 1997, when the White House released videos of the infamous coffees. Mr. Burton was sure that the video tapes had been altered to conceal incriminating information. In fact, he was so sure then that they were altered that he told the country on *Face the Nation* that he was hiring lip readers to get to the bottom of things. He did investigate this, as did others, but no one was able to find any incriminating statements.

Then, in April 1998, Mr. Burton released the doctored Webb Hubbell transcripts. Some reporters initially accepted his interpretations as fact. But they weren't. The Chairman or his staff had systematically changed words and left out passages to make the transcripts seem incriminating.

In one excerpt, for example, the Chairman had Mr. Hubbell saying "The Riady is just not easy to do business with me while I'm here." In fact, Mr. Hubbell never mentioned Mr. Riady at all. He simply said, "the reality is it's just not easy to do business with me while I'm here."

But if you're dead set on wanting to hear Riady at every possible opportunity, it's easy to mistake "Riady" for "reality."

This and other unfortunate distortions in the doctored transcript brought mounds of ridicule on this Committee. In one memorable Time Magazine piece, which I will make part of the record, Calvin Trillin tried to capture how absurd this Committee's allegations can be.

All of this would be comical if it did no harm to people's reputations. But real harm is often done when the Chairman wildly attacks the integrity of others, particularly the Vice President and the Attorney General.

These groundless and offensive attacks don't reflect just excessive partisanship—they have moved far beyond that. They are reckless expressions of zealotry that take no account of the personal responsibility each of us have to be accurate or factual in our comments.

In the Attorney General's case, Mr. Burton is increasingly shrill despite the fact that FBI Director Freeh and former Campaign Task Force Director Chuck LaBella have told him he's factually wrong in questioning the Attorney General's integrity.

The videotape that the Chairman has analyzed is a good example of misguided efforts. How did Mr. Burton and his staff find this? They must be spending thousands of hours -- and countless taxpayer dollars -- combing every videotape and every document this Committee has ever received to find anything possible to embarrass the Vice President.

Now the Chairman is upset that the Vice President received so-called special treatment by the Task Force, and he points to the fact that the Vice President received a transcript of his deposition. That's one of the main reasons we are having this hearing.

Well, I've tried to find out whether this is true. And as usual in this Committee, it turns out it's

not true at all. The fact is, many other high-ranking officials -- including several Republican officials -- have been treated in exactly the same manner.

When Edwin Meese, the former Republican Attorney General, was investigated by an Independent Counsel, he was given a transcript of his deposition. I have a letter from former Independent Counsel James McKay attesting to this and want to include it in the record.

When George Shultz, the former Republican Secretary of State, was interviewed by the Iran/Contra Independent Counsel, he was given a copy of a taped record of his session. I have a letter from former Deputy Independent Counsel Craig Gillen attesting to this and want to include it in the record.

When the House Ethics Committee interviewed former Speaker Newt Gingrich as part of its investigation into his ethical lapses, the Committee provided him access to the transcripts. I have a letter from James Cole, special counsel to the Ethics Committee investigation, attesting to this and want to include it in the record.

Even this Committee has followed the very procedures that Chairman Burton is complaining about. When this Committee interviewed Charles Ruff, the former White House Counsel, earlier this year, Chairman Burton gave him a transcript of his interview. I have a letter from Mr. Ruff attesting to this and want to include it in the record.

I have more examples, but I think my point is clear: Vice President Gore didn't receive special treatment at all.

I think what really upsets some people is that the Vice President released his transcript publicly. By putting out the facts, he made it impossible for his attackers to try him by innuendo.

And attacks through innuendo have been the standard practice in this and too many investigations. The obvious plan--and I say obvious only in retrospect--was to have the news media in a frenzy for weeks speculating about what new incriminating evidence could be behind Mr. Conrad's recommendation.

But the Vice President frustrated that plan the moment he released his transcript.

And that has made some of his political opponents very angry and resulted in the ludicrous hearing we are having today.

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July 19, 2000

The Honorable Henry A. Waxman
Ranking Minority Member
Committee on Government Reform
U.S. House of Representatives
2157 Rayburn House Office Bldg.
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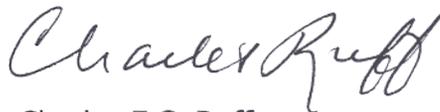
Dear Congressman Waxman:

This is in response to your letter of July 13 concerning the interview conducted by staff of the Committee on Government Reform on April 6, 2000.

Your understanding that I consented voluntarily to that interview and to its recording and transcription is correct. The first pages of the transcript of the interview contain a description of the circumstances under which the interview was to be conducted. I was given a copy of the transcript to review and submitted a number of corrections, retaining a copy for my files. Nothing in the course of the interview -- or in any other discussion with Committee staff -- suggested that there were any constraints on my use of the transcript.

I trust that this is responsive to your inquiry, but if you have any further questions, do not hesitate to contact me.

Sincerely,



Charles F.C. Ruff

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July 19, 2000

The Honorable Henry A. Waxman
Ranking Minority Member
United States House of Representatives
Committee on Government Reform
2157 Rayburn House Office Building
Washington, DC 20515-143

Dear Mr. Waxman:

I have received your letter dated July 19, 2000, and have been authorized by the U.S. House Ethics Committee to answer the question you pose in that letter.

During the course of the House Ethics Committee's investigation of then-Speaker Newt Gingrich, I did interview him on two occasions and those interviews were transcribed. Mr. Gingrich subsequently appeared before the Investigative Subcommittee and was provided with copies of those two interview transcripts prior to that appearance.

If you need anymore information, please let me or the Ethics Committee know.

Sincerely,



James M. Cole

cc: Chairman Lamar Smith
Rep. Howard L. Berman

July 18, 2000

The Honorable Henry A. Waxman
Ranking Minority Member
Committee on Government Reform
House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515-6143

Dear Representative Waxman:

I write in response to your July 13, 2000 inquiry regarding the taking of testimony of senior administration officials in the Independent Counsel investigation In Re: Janet Mullens. I first served as Deputy Independent Counsel and then Independent Counsel on this investigation.

It was the general practice of the office to take the deposition of senior administration officials in our offices and to provide them with full access to the deposition transcript. In the course of our inquiry, we deposed Secretaries Baker and Eagleburger, National Security Advisor Scowcroft and CIA Director Gates.

In deference to the President and Vice President, we conducted formal interviews at their offices. No court reporter was present during these interviews. Rather, the FBI agent assigned to the interview took notes. Counsel for the President and Vice President attended and took notes on behalf of their clients.

If I can be of further assistance, please advise.

Very Truly Yours,


Michael Zeldin

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July 14, 2000

**VIA U. S. Postal Service
and Facsimile**

**Congressman Henry A. Waxman
Ranking Minority Member
Committee on Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515-6143**

Dear Congressman Waxman:

Please allow this letter to serve as my response to your July 14, 2000 correspondence. As I explained to your committee staff member in a telephone conversation today, as Deputy Independent Counsel for Iran/Contra I extended professional courtesies to a number of witnesses in our investigation.

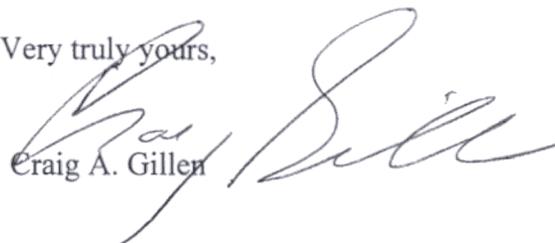
On a number of occasions we conducted sworn depositions in our offices in lieu of a formal grand jury appearance by the witness. In those cases, it is my recollection that I did not provide transcripts of those depositions to the subject of the examination. On one occasion our office interviewed former Secretary of State George Shultz in California. Prior to the commencement of that interview, we agreed with Mr. Shultz that the interview would be tape recorded and that we would provide him a copy of that tape recording. Subsequent to that recorded interview, it is my recollection that Mr. Shultz appeared twice in our office for depositions and that copies of the transcripts were not made available to him.

It is also my recollection that following former Defense Secretary Casper Weinberger's interview in our office, our office made available to Mr. Weinberger and his counsel a copy of the FBI form 302 Interview Memorandum for their review.

I remain,

Very truly yours,

Craig A. Gillen



CAG/nkc

**James C. McKay
1201 Pennsylvania Avenue, N.W.
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July 14, 2000

**The Honorable Henry A. Waxman
Congress of the United States
House of Representatives
Committee on Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515-6149**

Dear Congressman Waxman:

In response to your letter of this date, in connection with the independent counsel's investigation of Edwin Meese, III, Attorney General of the United States, a deposition was taken of Mr. Meese on the issue of whether there had been a possible violation of the Foreign Corrupt Practices Act. Mr. Meese was represented by counsel at his deposition. Following the conclusion of Mr. Meese's testimony, a transcript of the deposition was provided to Mr. Meese and his counsel.

In addition, pursuant to an order issued by the Chief Judge of the United States District Court for the District of Columbia, the independent counsel also provided Mr. Meese with the transcripts of the grand jury testimony of Mr. Meese and Mrs. Meese prior to the issuance of the Report of the Independent Counsel pertaining to the investigation of Mr. Meese.

If you or your staff have any questions, please feel free to contact me.

Sincerely,



**James C. McKay
Former Independent Counsel**