

Mr. RYAN of Wisconsin. Mr. Speaker, I have an education advisory board which consists of parents, teachers, school board members, administrators, superintendents from all around southern Wisconsin; and I am always asking them for ideas, asking them what kinds of reforms do they think Washington needs to make their job better, to help them improve the quality of education in southern Wisconsin.

Does my colleague know what they always say? Get off of our backs. The fact that Washington only sends 6 cents of the education dollar that is spent on education in all of our school districts, but promulgates over 50 percent of the regulations is astounding. Six cents on the dollar come from Washington; 94 cents on average are coming from local property taxes and local and State money. Yet over half of the unfunded mandates are imposed from Washington on our local school districts.

What astounds me is that just in my area of Wisconsin that I come from, we have school districts that have very interesting and unique problems. Racine, Wisconsin, has school district problems that are so unique to those in Beloit, Wisconsin, or those in Janesville, Wisconsin, but let alone the problems that may exist in Harlem or in Los Angeles or in New Mexico. In this kind of country, in a vast and differing Nation, to subject our school districts to one-size-fits-all, cookie-cutter solutions where we give them a little bit of the money, but all of the mandates. It is strangling our schools and strangling innovation.

I see that we are running out of time, but I think it is very important to point out they do not have all the answers in Washington. And in fact when we try to inflict these answers on our local school districts, we are doing more harm than good in many cases.

□ 1530

Mr. Speaker, I thank the gentleman from Wisconsin (Mr. RYAN) and the gentleman from Colorado (Mr. SCHAFER) for joining me this afternoon. I mean there are two different visions here; there is a Washington-based vision and there is a local vision. We are focused on the local vision.

REGARDING UNSUBSTANTIATED SENSATIONAL ALLEGATIONS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. WAXMAN) is recognized for 60 minutes as the designee of the minority leader.

Mr. WAXMAN. Mr. Speaker, as Members of Congress, we have a responsibility to exercise oversight over a wide range of issues. This is one of our most fundamental obligations, and it includes investigating potential problems, both in the executive branch and the private sector.

Mr. Speaker, along with that responsibility comes extraordinary power. We have the power to require citizens to come before us and respond to detailed questions about their lives. We have the power to require citizens to provide us with their most sensitive personal information, including their bank records, telephone logs and diaries.

And when we make allegations about the conduct of citizens, our statements are broadcast on television and radio and printed in newspapers all across the country. We thus have the power to permanently tarnish individuals' reputations. So it is essential that when we fulfill our responsibilities to investigate, we investigate responsibly and be accountable for what we do.

When we make a serious charge about an individual's conduct, we should be certain of the accuracy of our accusation. If we later learn of information that refutes that charge, we ought to correct the record. And when we harm individuals by making charges that are wrong, we ought to apologize.

Wen Ho Lee has been in the news a lot recently. Many Members of Congress have been justly critical of the irreparable damage that has been done to his reputation. No one should be subject to unfounded smears by government officials. But, unfortunately, over the past several years, a pattern has emerged in which Members of Congress have done just that.

Members of Congress have repeatedly made sensational public allegations against individual American citizens. Many of these initial allegations have received widespread coverage in the media. Further investigation, however, often has shown that the allegations are unsupported by the facts. And when the facts eventually do emerge, the news media inevitably gives little attention to the truth, and the public record is rarely corrected.

Let me give you an example: In June 1997, former Representative Gerald Solomon, the chairman of the House Rules Committee claimed he had "evidence" from a government source that John Huang, the former Commerce Department official and Democratic National Committee fund-raiser, had "committed economic espionage and breached our national security."

This allegation of espionage was very serious. It amounted to a claim of treason, the most serious accusation that can be brought against an American. It was reported on national television and in newspapers across the country.

But it turns out that that allegation was based on nothing more than gossip at a reception. When the FBI interviewed Mr. Solomon about this allegation, he 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 interview notes, the Senate staffer did not say that the employee was John Huang, nor did he say that information went to China. Representative Solomon did not know who the staffer was.

In a second interview with the FBI, Representative 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, Representative Solomon told the FBI that he did not know the name of the staffer who made this comment. In fact, the only way Mr. Solomon could identify the staffer was to describe him as "a male in his 30s or 40s, approximately 5 feet, 10 inches tall with brownish hair."

Mr. Speaker, here is another example: In June 1999, Representative DAN BURTON issued a press release accusing Defense Department officials, including Colonel Raymond A. Willson of attempting to tamper with the computer of a committee witness, Dr. Peter Leitner, of the Defense Threat Reduction Agency, sometimes known as DTRA.

Mr. BURTON 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."

But Colonel Willson did not tamper with Dr. Leitner's computer; both the committee and the Air Force Office of Special Investigations conducted investigations and found that Colonel Willson had done nothing improper.

It turns out that the incident at issue was nothing more than a routine effort to obtain files in the witness' computer that were necessary to complete an already overdue project.

I regret to say that I am unaware of any public apology by Mr. BURTON or Mr. Solomon for making these sensational allegations about Colonel Willson or Mr. Huang.

Now, it is true that Mr. Huang has admitted involvement in conduit campaign contributions between 1992 and 1994, but Members of Congress should be accountable for their allegations regardless of whether the individual targeted has committed other wrongdoings.

There have been many others who have been the target of unsubstantiated claims by Members of Congress, and who have yet to receive a public apology. Many of these allegations have focused on individuals in the administration. I believe that this pattern reflects a significant abuse of the serious powers that have been entrusted to us.

I asked my staff to compile a report on unsubstantiated sensational allegations that have been made over the

past few years. This report describes 25 of the most widely publicized of such allegations, as well as the facts that have been uncovered regarding the allegations.

Mr. Speaker, I will enter this report into the RECORD at the conclusion of my remarks.

I would like to take this opportunity today to set the record straight about at least some of the many wild claims that have been made.

One of these allegations involves a very sad incident in 1993, in which Deputy White House Counsel Vince Foster was found dead in a nearby park. In 1994 and 1995, Mr. BURTON suggested numerous times on the floor of the House that Mr. Foster had been murdered and that his murder was related to the investigation into President and Hillary Clinton's involvement in the White-water land deal.

Mr. 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."

On June 30, 1994, Independent Counsel Robert Fiske issued his report stating that "the overwhelming weight of the evidence compels the conclusion that Vincent Foster committed suicide."

More recently, on October 10, 1997, Independent Counsel Ken Starr concluded "the available evidence points clearly to suicide as the manner of death." No further statements have been made by Representative BURTON who made the allegation of foul play or murder.

Let us turn to another allegation. In June 1996, Representative BURTON claimed 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."

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." Just yesterday, a Member of the Republican House leadership again referred to this charge on a nationally syndicated radio program, but 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, senior White House officials, or Mrs. Clinton had engaged in illegal conduct relating to these files.

According to the report of the Independent Counsel Robert 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 that Mr. Marceca was truthful when he testified that "no senior White House official, or Mrs. Clinton, was involved in requesting FBI background reports for improper partisan advantage."

The next allegation I am going to describe has occupied the House Committee on Government Reform for the past 4 years. Beginning in 1996, Representative 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, Mr. 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 is a felony, and you're selling this country's security, economic security or whatever to a Communist power.

Then on the House floor in June 1997, Representative BURTON alleged a "massive" Chinese conspiracy. He said 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.

Although the House Committee on Government Reform to date has spent 4 years and over \$8 million investigating these allegations, no evidence was provided to the committee to substantiate the claim that the administration was "selling or giving information to the Chinese in exchange for political contributions," and no evidence was provided to the committee that the Chinese Government carried out a "massive scheme" to influence the election of President Clinton.

□ 1545

In August 1997, several Republican leaders called for an independent counsel to investigate allegations that Former Secretary Hazel O'Leary had in effect "shaken down" Democratic donor Johnny Chung by requiring him to make a donation to the charity Africare as a precondition to a meeting with her. For example, on national television, Republican National Committee Chairman Jim Nicholson stated, "We need independent investigation made of people like Hazel O'Leary."

But it turns out there was no such misconduct by Secretary O'Leary. A Department of Justice investigation found "no evidence that Mrs. O'Leary had anything to do with the solicitation of the charitable donation." 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.

Another allegation. On national television in September 1997, the gentleman from Indiana (Mr. BURTON) suggested that the Clinton administration was engaging in an abuse of power by using the Internal Revenue Service, the IRS, to retaliate against the President's political enemies.

The Washington Times also quoted the gentleman from Indiana (Mr. BURTON) 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?" That was his quote.

These remarks by the gentleman from Indiana (Mr. BURTON) concerned allegations that the IRS was auditing conservative groups and individuals for political purposes. According to these allegations, several nonprofit tax-exempt organizations that supported positions different from those of the Clinton administration were being audited while other organizations favoring policies of the Clinton administration were not.

The Joint Committee on Taxation conducted a 3-year bipartisan investigation of these allegations. In March, 2000, the committee reported that it had found no evidence of politically motivated IRS audits. 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." Another allegation that was made that was not substantiated and, when the facts came out, were not supported by those facts.

Another example. In October of 1997, the gentleman from Indiana (Mr. BURTON) held a hearing in the Committee on Government Reform in which he said he would produce evidence of "blatantly illegal activity by a senior national party official" in the Democratic National Committee. The star witness at that hearing, David Wang, alleged that the then DNC official John

Huang had solicited a conduit contribution from him in person in Los Angeles on August 16, 1996.

But it was not John Huang who had solicited Mr. Wang. 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. Democratic fund-raiser Charlie Trie subsequently appeared before the committee and acknowledged that it had been he and an individual named Antonio Pan, not Mr. Huang, who had solicited the conduit contribution.

Members of the committee have repeatedly asked that the committee officially correct the record on this matter because of this false charge against Mr. Huang, but the gentleman from Indiana (Mr. BURTON) has refused to do so.

Another example. In October 1997, the gentleman from Indiana (Mr. BURTON) also 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 maybe some of those tapes may have been cut off intentionally, they've 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.

Well, investigations by the House Committee on Government Reform and the Senate Governmental Affairs Committee, however, including review by a technical expert hired by the Senate committee, produced no evidence of any tampering with the tapes.

My colleagues might remember some of these examples because they all were prominently mentioned in the press at the time the allegations were made.

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. Republican Party Chairman Jim Nicholson accused the administration of a despicable political scheme, and several Republican leaders, including the gentleman from Indiana (Mr. BURTON), called for investigations. Former Representative Gerald Solomon stated "this 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."

The General Accounting Office then conducted an independent review of the allegations that waivers to the burial plot eligibility requirements were granted in exchange for political contributions. In January 1998, GAO stated, "We found no evidence in the records we reviewed to support recent media reports that political contribu-

tions have played a role in waiver decisions."

Further, the GAO said, and I am quoting again from them, "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."

Another example. In January 1998, the gentleman from Indiana (Mr. BURTON) held 4 days of hearings in the Committee on Government Reform regarding 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, the gentleman from Indiana (Mr. BURTON) alleged that the decision was a political payoff and that it stinks and smells.

Well, on August 22, however, 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 from her report, I now quote, "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."

The next allegation is not only unsubstantiated, but it involved the inappropriate disclosure of very private information. The allegation concerns Webster Hubbell, who was Assistant Attorney General until March 1994. Prior to that, he was a partner with Hillary Clinton at the Rose Law Firm in Littlerock, 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 of phone calls is standard procedure in Federal prisons.

Well, the tapes of Mr. Hubbell's phone calls were turned over to the Committee on Government Reform. As the Justice Department advised the committee, the tapes were protected by the Privacy Act and were not supposed to be released publicly. Nevertheless, the gentleman from Indiana (Mr. BURTON) released the document in April of 1998 entitled the "Hubbell Master Tape Log", which contained what were purported to be excerpts from these tapes. It was subsequently revealed that many of these excerpts were in fact inaccurate or omitted exculpatory statements by Mr. Hubbell.

For example, according to the transcripts of the gentleman from Indiana (Mr. BURTON), 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" in order to protect the First Lady. These transcripts included a quote of Mrs. Hubbell saying, "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 2-hour conversation between the Hubbells.

The "Hubbell Master Tape Log", however, omitted a later portion of the same conversation that exonerates the First Lady. This included the following remarks exchanged between Mr. Hubbell and his wife:

Mr. Hubbell: "Okay, 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 had 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" of the gentleman from Indiana (Mr. BURTON) also included a passage in which Mr. Hubbell allegedly said, "The Riady is just not easy to do business with me while I'm here." Mr. Riady, by the way, was a well-known figure in these campaign contributions that had been under investigation. In fact, the actual tape states, "The reality is it's just not easy to do business with me while I'm here." He misrepresented the word "reality" for "Riady".

Another example, and I want it on the RECORD in hopes that maybe someone will find this RECORD maybe in the press and report the corrections for maybe nearly as large as the original sensational allegations.

In April 1998, the gentleman from Indiana (Mr. BURTON) sought immunity from the Committee on Government Reform for four witnesses: Nancy Lee, Irene Wu, Larry Huang, and Kent La. He and other Republican leaders, including Speaker Newt Gingrich, alleged that these witnesses had important information about illegal contributions from the Chinese Government during the 1996 elections.

Speaker Gingrich alleged that the four witnesses would provide information on "a threat to the fabric of our political system." The gentleman from Ohio (Mr. 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." That is his quote.

□ 1600

But after the committee provided these witnesses with immunity, 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 Noral Lum were to register voters and serve as a volunteer cook.

One Member even suggested that the President could have committed treason. In May 1998, the gentleman from Pennsylvania (Mr. WELDON) made remarks on the House floor regarding 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. The gentleman from Pennsylvania (Mr. 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 further, "This scandal involves potential treason."

The Department of Justice examined the allegations relating to whether campaign contributions influenced export control decisions and found them to be unfounded. 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." 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."

I have not heard that the gentleman from Pennsylvania has given any apologies.

The House select committee investigated allegations relating to United States technology transfer 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 the suggestion of the gentleman from Pennsylvania of treason by the President.

In recent years, some Members have even engaged in a practice of asking the Department of Justice to consider criminal charges against individuals who have provided testimony that is inconsistent with Members' theories, and I want to go into that, but I do want to point out that to make a statement that the President of the United States has committed treason, to make it on the floor of the House of Representatives, to have it in the press by people who are in our government, elected by their constituents, is a serious matter. And to find later that a charge like that was unsubstantiated, it has got to bother all of us.

We have had a series of Members, when they found statements made that they did not think were what they wanted to hear, they have sent letters to the Justice Department and then they have asked the Justice Department to say that those statements and testimony that were inconsistent with their views ought to be prosecuted; they ought to be prosecuted as criminal matters. I will give some examples.

In September 1998, the gentleman from Indiana (Mr. 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. He told *The Washington Post* that there was, "very strong evidence," that Ms. Mills lied to Congress. But the claims of the gentleman from Indiana were based on a run-of-the-mill document dispute. Ms. Mills believed that two documents out of over 27,000 pages produced to the House Committee on Government Reform and Oversight were not responsive to a request from the gentleman from Indiana, while the gentleman from Indiana believed that the two documents were responsive.

Instead of viewing this disagreement as a difference in judgment, the gentleman from Indiana charged that Ms. Mills was obstructing justice and that she lied to the committee. The Justice Department investigated the allegations by the gentleman from Indiana and found them to be without merit.

Over the past several years, the gentleman from Indiana (Mr. BURTON) has made similar referrals to the Department of Justice regarding three other individuals who testified before the House Committee on Government Reform and Oversight. Now, not all mistaken allegations are made with an intent to intimidate or cause harm. Not all are made with a knowing disregard of the facts. Sometimes such allegations simply reflect sloppy investigative work. But the allegations of Members of Congress are not just words. Publication of such allegations in the newspaper can cause an individual embarrassment in their community.

Can anybody listening to me imagine an allegation being made about them, that they committed a crime; how they would feel; how their reputation might be tarnished. Defending against an allegation can cause individuals to wrack up thousands, sometimes hundreds of thousands of dollars in legal fees. Particularly in light of the powerful impact our words can have on the lives of individuals, when we learn that our allegations are not true, we ought to do everything we can to remedy the harm our mistakes have caused.

I am saddened and disturbed at the pattern we have seen over recent years, where Members of Congress have failed to take responsibility for their sensational claims. Today, I have described just some examples of the many allega-

tions that should be corrected. There are more in this report that I am entering into the RECORD, and there are additional unsubstantiated claims beyond those that are in this report. I have spoken today because I believe this record must be corrected.

The American people have entrusted the House of Representatives with extraordinary powers. The institution as a whole suffers when its Members are not accountable for the exercise of these powers. The American public should be able to trust that when we conduct oversight, we will act responsibly and that we will not impugn the integrity of others with unsubstantiated attacks. The fact that they are in a different political party does not justify that. The fact they may disagree with some of our own political views does not justify making serious and unsubstantiated allegations to tarnish them.

The least we can do, if we act so irresponsibly to make these kinds of allegations, is to put the facts about such allegations in the CONGRESSIONAL RECORD; and the facts, when they show the allegations were not true, should serve as the basis for Members to publicly announce their error.

To accuse someone of treason, to accuse someone of perjury, to accuse someone of obstruction of justice, and then to find those charges were not true, not even to say you are sorry and to correct the record and apologize, the only thing I can say to those Members who have done that, after all that, have you no decency?

The least we can do is to correct the facts, correct the allegations, to make apologies, even though we all know the truth never catches up with the lie. The headline of the front page, which is the allegation, never gets corrected by the page 25 story that says that the original allegation was not true.

Mr. Speaker, the committee report I referred to earlier is submitted for the RECORD herewith:

[Prepared for Rep. Henry A. Waxman, Minority Staff Report, Committee on Government Reform, U.S. House of Representatives—September 2000]

UNSUBSTANTIATED ALLEGATIONS OF WRONGDOING INVOLVING THE CLINTON ADMINISTRATION

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 suggested that Deputy White House Counsel Vince Foster was murdered as part of a coverup of the Whitewater land deal;

¹Footnotes at end of article.

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; and that the Attorney General intentionally misled Congress about Waco.

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 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 em-

ployees 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. 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 stated that, during the 1992 campaign, the Lums arranged a meeting with a Clinton/Gore official for an individual who had pro-

posed 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 thing ma—maybe some of those tapes may have been cut off intentionally, they're 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 are 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 was 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" in italics:

"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 italicized 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 Republican 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's 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, the 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 of 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 Bur-

ton 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 reestablished that her client's statements 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 the 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

FOOTNOTES

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 Government 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 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 allegations 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 fundraising 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, 1998).
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).

HISTORY OF CONGRESSIONAL OVERSIGHT COMMITTEE AND THE "NEW MAJORITY"

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 60.

Mr. MICA. Mr. Speaker, I appreciate having this time this afternoon to come before the House following the distinguished ranking member of the Committee on Government Reform.

I have had an opportunity, since I came to Congress in 1993, to serve on the Committee on Government Reform. I came as a freshman Member in that year, in 1993, and served on that committee because I think it is a most important committee.

Many of my colleagues may not be familiar with the history of the Committee on Government Reform. It was called the Committee on Government Operations, and it has had several other names through its history. But I think the Committee on Government Reform is one of the most important committees in the House of Representatives and in the entire Congress. It has an interesting history that dates back to when our Federal government started building a bureaucracy.

After the Presidencies of Washington and Adams, in 1808, actually, Thomas Jefferson was quite alarmed by the bureaucracy building, he termed it, in Washington. He did not like the huge bureaucracy in his estimation that had been constructed previous to his taking office. The founding Members in the Congress, early Members at the turn of that century, the 19th century, again in 1808, created the predecessor of the Committee on Government Operations.

They did not trust the appropriators. They did not trust the authorizers. The authorizers would initiate a program, the appropriators would fund the program, and they wanted an additional check. All the checks and balances they put into our system of government are really incredible when we

think back that this was done some 200 years ago. They wanted a government that worked and also a government that had oversight and investigation responsibility.

So in 1808, they created the predecessor of the committee on which the gentleman from California (Mr. WAXMAN) is the ranking member. He is the chief Democrat. The gentleman from Indiana (Mr. BURTON) is the chairman of the full Committee on Government Reform. So from the very beginning of the House of Representatives and the Congress, and the beginning of our system and the checks and balances, our Founding Fathers wanted that committee. Again, it serves a very important purpose and that is to investigate, to conduct oversight independent of all the other committees.

We heard criticism of the chairman, the gentleman from Indiana (Mr. BURTON). I would say that no one has done a more admirable job. We have to look at the history of this Congress and we have to look at the history of administrations. There have been many administrations. I would venture to say that never in the history of the United States of America and our government have we had an administration that has had more scandals. They probably have had more scandals in the Clinton-Gore administration than we have had in the 20th century and the 19th century back to the founding of our government.

This administration has been riddled with scandals. I cannot even keep track of the number of scandals that we have had. And for a Member to come forward and criticize the chairman for his conduct of investigations and oversight, I think, is unfair, because he had a responsibility and a tough responsibility.

I submit, having served on that subcommittee, that never before had I seen anything like this, and I have been a student of government since high school days some many years ago. Again, in serving on the committee under the Democrat control of both the House, the Senate and the White House from 1993 to 1995, I saw how they ran that committee, and it did not serve its purpose well.

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In fact, there was a great defect in that because the committee was run in a fashion unintended by the Founding Fathers. I remember coming to this floor and holding up a sign that said "55 to 5." And I will tell you how the other side ran the committee, the committee that kept us straight in the House of Representatives. Again holding up that chart that said "55 to 5," I said, my colleagues, that is not the score of a badly mismatched sporting event. That is how the Democrats ran the investigation and the oversight committee. They gave us five investigative staff and they kept 55. We did