

CONTACTS BETWEEN NORTHROP GRUMMAN COR-
PORATION AND THE WHITE HOUSE REGARD-
ING MISSING WHITE HOUSE E-MAILS

HEARING
BEFORE THE
COMMITTEE ON
GOVERNMENT REFORM
HOUSE OF REPRESENTATIVES
ONE HUNDRED SIXTH CONGRESS

SECOND SESSION

SEPTEMBER 26, 2000

Serial No. 106-258

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CONTENTS

Hearing held on September 26, 2000	Page 1
Statement of:	
Gershel, Alan, Deputy Assistant Attorney General, U.S. Department of Justice	242
Letters, statements, etc., submitted for the record by:	
Burton, Hon. Dan, a Representative in Congress from the State of Indiana:	
Exhibit 10	250
Exhibits relevant to hearing	2
Prepared statement of	197
Chenoweth-Hage, Hon. Helen, a Representative in Congress from the State of Idaho, prepared statement of	288
Ford, Hon. Harold E., a Representative in Congress from the State of Tennessee, letter dated April 13, 1999	260
Gershel, Alan, Deputy Assistant Attorney General, U.S. Department of Justice, prepared statement of	245
Waxman, Hon. Henry A., a Representative in Congress from the State of California, letter dated September 26, 2000	215

CONTACTS BETWEEN NORTHROP GRUMMAN CORPORATION AND THE WHITE HOUSE RE- GARDING MISSING WHITE HOUSE E-MAILS

TUESDAY, SEPTEMBER 26, 2000

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC.

The committee met, pursuant to notice, at 3:10 p.m., in room 2154, Rayburn House Office Building, Hon. Dan Burton (chairman of the committee) presiding.

Present: Representatives Burton, Gilman, Ros-Lehtinen, Horn, Barr, Waxman, Norton, Cummings, Kucinich, and Ford.

Staff present: Kevin Binger, staff director; James C. Wilson, chief counsel; David A. Kass, deputy counsel and parliamentarian; Sean Spicer, director of communications; Josie Duckett, deputy communications director; M. Scott Billingsley and James J. Schumann, counsels; Pablo Carrillo and Jason Foster, investigative counsels; Robert Briggs, clerk; Robin Butler, office manager, Michael Canty, legislative assistant; Leneal Scott, computer systems manager; John Sare, staff assistant; Maria Tamburri, assistant to chief counsel; Corinne Zaccagnini, systems administrator; Phil Schiliro, minority staff director; Phil Barnett, minority chief counsel; Kristin Amerling, minority deputy chief counsel; Paul Weinberger, minority counsel; Michael Yeager, minority senior oversight counsel; Ellen Rayner, minority chief clerk; Jean Gosa and Earley Green, minority assistant clerks; and Tersa Coufal, minority staff assistant.

Mr. BURTON. Good afternoon. A quorum being present the Committee on Government Reform will come to order.

I ask unanimous consent that all Members and witnesses' written opening statements be included in the record and without objection, so ordered.

I ask unanimous consent that all articles, exhibits and extraneous or tabular material referred to be included in the record and without objection, so ordered.

I ask unanimous consent that a set of exhibits shared with the minority staff prior to the hearing be included in the record. Without objection, so ordered.

Mr. WAXMAN. Reserving the right to object. Yes—withdrawn.
[The information referred to follows:]

THE WHITE HOUSE
WASHINGTON

September 22, 2000

HAND-DELIVERED

James C. Wilson, Esq.
Chief Counsel
Committee on Government Reform
U.S. House of Representatives
2157 Rayburn House Office Bldg.
Washington, DC 20515

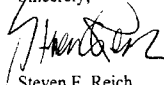
Dear Mr. Wilson:

As you know, since earlier this summer the FBI, under the direction of the Office of Independent Counsel Ray and the Department of Justice Campaign Financing Task Force, has been assisting the EOP to restore e-mail contained on certain EOP and OVP computer backup tapes. Enclosed with this letter are e-mails that have been restored as part of that process which are responsive to various Committee requests to the White House and have not previously been produced to the Committee. Some of the documents have been redacted on grounds of non-responsiveness and to protect confidentiality, all in accordance with our prior understandings with the Committee. Finally, for reasons of continuity, and to avoid confusion, we have replaced the control numbers applied by the OIC/DOJ during the restoration process with the "E" series of control numbers that the EOP has used in its prior productions to the Committee. The enclosed documents bear control numbers E 8694-E 8863.

You will no doubt recognize that a substantial number of these documents, or the information contained in them, previously have been produced to the Committee in slightly different formats.

Please feel free to contact me if you have any further questions.

Sincerely,




Steven F. Reich
Senior Associate Counsel to the President

Enclosures

cc: Paul Weinberger, Esq.
Minority Staff



 Jackie A Dycke
07/20/95 07:38 PM

To: All Staff
Cc:

Subject: VP SCHEDULE FOR FRIDAY, JULY 21, 1995

NON-RESPONSIVE
MATERIAL
REDACTED

SCHEDULE FOR VICE PRESIDENT AL GORE
TUESDAY, JULY 11, 1995
FINAL

SCHEDULER: NANCY OZEAS
PHONE:

DEPT OF ED PHONE:

PAGER:
EVENT COORDINATOR: ROD O'CONNOR
PHONE:

NON-RESPONSIVE
MATERIAL
REDACTED

NON-RESPONSIVE
MATERIAL
REDACTED

NON-RESPONSIVE
MATERIAL
REDACTED

NON-RESPONSIVE
MATERIAL
REDACTED

NOTE: The President has a DNC Council Dinner at 8:00 pm at the Hay Adams.

NON-RESPONSIVE
MATERIAL
REDACTED



Ashley Adams
09/12/95 07:30 PM

To: Cheryl D. CDM [REDACTED]
cc: Michael A. Gill/OVP


Subject: Question re: private meetings

Cheryl -

I am currently working on trip summaries and need some clarification on the policies of "private meetings". It was my understanding that if a meeting or event is over 15 minutes long it needs to be included in the trip summary. There are times when these private meetings run up to 30 minutes long. Is there ever a time that these private meetings are included in the trip summary and/or the hard time formula?

The vice president took a trip recently, the costs of which were split between an outside source and the DNC. On this trip there was a private meeting. I recently billed the outside source and a woman from that organization called me the other day because she questioned the amount her organization was being billed for. She said she knew for a fact that the vice president spent more time with the political group than at her event, yet the percentage she owed was greater. She brought up a second political meeting, the vice president attended and explained it as a small meeting that only people who'd paid a lot of money could attend. She was referring to the private meeting, which was not included in the hard time formula. She seemed angry and questioned me several times, as though I was not being truthful. In order to avoid such confusion in the future, I would like a clear understanding of the policy. Thanks.

E 8700

 Joel Velasco
02/22/96 11:43 AM

To: Albert Gore/ [REDACTED]
cc:

Subject: Carter Eskew Request

Carter wants to be able to e-mail you from his office. We have some options:

1. Give Carter your special e-mail address that Michael Gill had set-up earlier;
2. Give Carter my e-mail (or Heather/Liz) and we would forward all e-mail from Carter to you. You would have to do the same to send him e-mail;

Reminder: All internet e-mails are recorded on the White House computers. According to Michael, the only way not to have your e-mails backed up on government computers would be to get a Clinton/Gore computer in your office , and set it up for private e-mails.

QUESTION: How would you like to proceed on this?



LI_G@A1 on 01/25/96 02:39:00 PM


To: Ansley Jones/[REDACTED],

cc:

Subject: 4:30 DNC coffee today

FYI:

There is a revised coffee list on your fax machine.

 Ansley Jones
02/05/96 08:19 AM

To: schedules
cc:

Subject: final 2/05 for VP

**SCHEDULE FOR VICE PRESIDENT AL GORE
MONDAY, FEBRUARY 5, 1996
FINAL**

**SCHEDULER: ANSLEY JONES
WORK PHONE:
WHCA PAGER:**

NON-RESPONSIVE
MATERIAL
REDACTED

NON-RESPONSIVE
MATERIAL
REDACTED

NON-RESPONSIVE
MATERIAL
REDACTED


NOTE: 5:15 - 6:15 pm The President has a COFFEE in the Map Room



E 8705

NON-RESPONSIVE
MATERIAL
REDACTED

i

1

 Ansley Jones
02/02/96 06:09 PM

To: Elizabeth J. Cotham , Heather M. Marabeti 
cc:

Subject: MONDAY DRAFT

SCHEDULE FOR VICE PRESIDENT AL GORE
MONDAY, FEBRUARY 5, 1996
DRAFT 8

SCHEDULER: ANSLEY JONES

NON-RESPONSIVE
MATERIAL
REDACTED


NON-RESPONSIVE
MATERIAL
REDACTED

NON-RESPONSIVE
MATERIAL
REDACTED

OTE: 5:15 - 6:15 pm The President has a COFFEE in the Map Room

E 8709

NON-RESPONSIVE
MATERIAL
REDACTED

 Ansley Jones
02/05/96 07:36 PM

To: schedules
CC:

Subject: final for 2/06 VP

SCHEDULE for VICE PRESIDENT AL GORE
TUESDAY, FEBRUARY 6, 1996
FINAL

SCHEDULER: ANSLEY JONES
PHONE:
PAGER:

NON-RESPONSIVE
MATERIAL
REDACTED

NON-RESPONSIVE
MATERIAL
REDACTED

NON-RESPONSIVE
MATERIAL
REDACTED

NOTE: 5:15 -6:15 pm The President attends a coffee in the Map Room.

NON-RESPONSIVE
MATERIAL
REDACTED

NON-RESPONSIVE
MATERIAL
REDACTED

SCHEDULE for VICE PRESIDENT AL GORE
TUESDAY, FEBRUARY 6, 1996
FINAL

SCHEDULER: ANSLEY JONES
PHONE: -----
PAGER:

NON-RESPONSIVE
MATERIAL
REDACTED

NON-RESPONSIVE
MATERIAL
REDACTED
"

E 8717

NON-RESPONSIVE
MATERIAL
REDACTED ~

i

Room. **NOTE: 5:15 -6:15 pm The President attends a coffee in the Map**

28

3

NON-RESPONSIVE
MATERIAL
REDACTED

E 8719

NON-RESPONSIVE
MATERIAL
REDACTED

Delivery Failure Report

Your document: final for 2/06 VP
 was not delivered Michael Gill
 to:
 because: Fax request was unsuccessful; could not send the following users the fax: ; Michael
 Gill - Path not found; Lotus Fax Server request number 15542

What should you do?

- You can resend the undeliverable document to the recipients listed above by choosing the Resend button or the Resend command on the Actions menu.
- Once you have resent the document you may delete this Delivery Failure Report.
- If resending the document is not successful you will receive a new failure report
- Unless you receive other Delivery Failure Reports, the document was successfully delivered to all other recipients.

Routing path

To: schedules
 cc:
 From:
 Date: 02/05/96 07:38:09 PM
 Subject: final for 2/06 VP

**SCHEDULE for VICE PRESIDENT AL GORE
 TUESDAY, FEBRUARY 6, 1996
 FINAL**

**SCHEDULER: ANSLEY JONES
 PHONE:
 PAGER:**

NON-RESPONSIVE
 MATERIAL
 REDACTED

E 8721

NON-RESPONSIVE
MATERIAL
REDACTED


NON-RESPONSIVE
MATERIAL
REDACTED


i

NOTE: 5:15 -6:15 pm The President attends a coffee in the Map Room.

NON-RESPONSIVE
MATERIAL
REDACTED


NON-RESPONSIVE
MATERIAL
REDACTED.


 John J. Donoghue
02/15/96 05:26 PM

To: Paul Hegarty/
cc:

Subject: Asian American Fundraiser

9:20 am - 10:20 am on 2/20 at the Hay Adams Hotel
Contact - John Wong (DNC) 863-7178

 John J. Donoghue
02/19/96 12:06 PM

To: Elizabeth J. Cothran 
cc:

Subject: 2/20 draft

**SCHEDULE FOR VICE PRESIDENT AL GORE
TUESDAY, FEBRUARY 20, 1996
DRAFT #9**

SCHEDULER: JO

DONOGHUE

PHONE:

PAGE:

NON-RESPONSIVE
MATERIAL
REDACTED

NOTE: POTUS coffee 8:30 am - 9:30 am

9:15 am **ARRIVE HAY ADAMS HOTEL**

9:15 am **DNC ASIAN AMERICAN FUNDRAISER**
10:00 am The Hay Adams Hotel
Staff Contact: John Wong
CLOSED PRESS

ADVANCE:

FORMAT:

10:05 am

DEPART HAY ADAMS HOTEL

En Route: The White House


Drive Time: 10 minutes

Briefing in car

NON-RESPONSIVE
MATERIAL
REDACTED

NON-RESPONSIVE
MATERIAL
REDACTED

NON-RESPONSIVE
MATERIAL
REDACTED

 John J. Donoghue
02/19/96 05:14 PM

To: Joel Velasco [REDACTED]
cc:

Subject: draft - 2/20

**SCHEDULE FOR VICE PRESIDENT AL GORE
TUESDAY, FEBRUARY 20, 1996
DRAFT #12**

SCHEDULER: JOHN

**DONOGHUE
PHONE:
PAGE:**

NON-RESPONSIVE
MATERIAL
REDACTED

NOTE: POTUS coffee 8:30 am - 9:30 am

9:15 am	ARRIVE HAY ADAMS HOTEL
9:15 am	DNC ASIAN AMERICAN FUNDRAISER
10:00 am	The Hay Adams Hotel Staff Contact: John Huang CLOSED PRESS

E 8731

ADVANCE: PAUL HEGARTY

FORMAT:

- The Vice President proceeds to the John Hay Room
- The Vice President does a receiving line
- The Vice President proceeds to table
- Congressman Matsui introduces the Vice President
- The Vice President delivers brief remarks
- The Vice President departs upon conclusion of remarks

10:05 am

DEPART HAY ADAMS HOTEL

En Route: The White House

Drive Time: 10 minutes

Briefing in car


NON-RESPONSIVE
MATERIAL
REDACTED


NON-RESPONSIVE
MATERIAL
REDACTED

NON-RESPONSIVE
MATERIAL
REDACTED



i

i

 John J. Donoghue
02/19/96 05:14 PM

To: Elizabeth J. Cotham 
cc:

Subject: draft - 2/20

To: Joel Velasco 
cc:
From: John J. Donoghue 
Date: 02/19/96 05:14:30 PM
Subject: draft - 2/20

**SCHEDULE FOR VICE PRESIDENT AL GORE
TUESDAY, FEBRUARY 20, 1996
DRAFT #12**

SCHEDULER: JOHN

**DONOGHUE
PHONE:
PAGE:**

NON-RESPONSIVE
MATERIAL
REDACTED

NOTE: POTUS coffee 8:30 am - 9:30 am

9:15 am ARRIVE HAY ADAMS HOTEL

E 8735

9:15 am **DNC ASIAN AMERICAN FUNDRAISER**
 10:00 am The Hay Adams Hotel
 Staff Contact: John Huang
CLOSED PRESS

ADVANCE: PAUL HEGARTY

FORMAT:

- **The Vice President** proceeds to the John Hay Room
- **The Vice President** does a receiving line
- **The Vice President** proceeds to table
- Congressman Matsui introduces **the Vice President**
- **The Vice President** delivers brief remarks
- **The Vice President** departs upon conclusion of remarks


10:05 am **DEPART HAY ADAMS HOTEL**
 En Route: The White House
 Drive Time: 10 minutes
 Briefing in car

NON-RESPONSIVE
 MATERIAL
 REDACTED

NON-RESPONSIVE
MATERIAL
REDACTED

E 8737

NON-RESPONSIVE
MATERIAL
REDACTED

 John J. Donoghue
02/19/96 06:17 PM

To: schedules
cc:

Subject: VP FINAL SCHEDULE - 2/20/96

**SCHEDULE FOR VICE PRESIDENT AL GORE
TUESDAY, FEBRUARY 20, 1996
FINAL**

SCHEDULER: JOHN

**DONOGHUE
PHONE:
PAGE:**

NON-RESPONSIVE
MATERIAL
REDACTED

NOTE: POTUS coffee 8:30 am - 9:30 am

9:15 am	ARRIVE HAY ADAMS HOTEL
9:15 am	DNC ASIAN AMERICAN FUNDRAISER
10:00 am	The Hay Adams Hotel Staff Contact: John Huang CLOSED PRESS

E 8739

ADVANCE: PAUL HEGARTY

FORMAT:

- The Vice President proceeds to the John Hay Room
- The Vice President does a receiving line
- The Vice President proceeds to table
- Congressman Matsui introduces the Vice President
- The Vice President delivers brief remarks
- The Vice President departs upon conclusion of remarks

NOTE: POTUS meeting with Leon Panetta 9:45 am - 10:00 am

10:05 am

DEPART HAY ADAMS HOTEL

En Route: The White House

Drive Time: 10 minutes

Briefing in car

10:00 am - 10:30 am

NON-RESPONSIVE
MATERIAL
REDACTED

NON-RESPONSIVE
MATERIAL
REDACTED

NON-RESPONSIVE
MATERIAL
REDACTED

SCHEDULE FOR VICE PRESIDENT AL GORE
TUESDAY, FEBRUARY 20, 1996
FINAL

SCHEDULER:

JOHN DONOGHUE

PHONE:

PAGE:

7

8

NOTE: POTUS coffee 8:30 am - 9:30 am

NON-RESPONSIVE
 MATERIAL
 REDACTED

9:15 am **ARRIVE HAY ADAMS HOTEL**

9:15 am **DNC ASIAN AMERICAN FUNDRAISER**
 10:00 am The Hay Adams Hotel
 Staff Contact: John Huang
CLOSED PRESS

ADVANCE: **PAUL HEGARTY**

FORMAT:

- The Vice President proceeds to the John Hay Room
- The Vice President does a receiving line
- The Vice President proceeds to table
- Congressman Matsui introduces the Vice President
- The Vice President delivers brief remarks
- The Vice President departs upon conclusion of remarks

NOTE: POTUS meeting with Leon Panetta 9:45 am - 10:00 am

10:05 am DEPART HAY ADAMS HOTEL
En Route: The White House
Drive Time: 10 minutes
Briefing in car

NON-RESPONSIVE
MATERIAL
REDACTED

NON-RESPONSIVE
MATERIAL
REDACTED

NON-RESPONSIVE
MATERIAL
REDACTED

Jackie A Dycke
4/29/96 04:40 PM

To: MARTINEZ_R@
Cc:

Subject: VP California Trip

Can you call me, I am deskng the VP's trip to CA on 4/29. While I know it is far away, there are basic issues I need to resolve asap. Currently, we are committed in San Jose and LA for fundraising events. Re Elect is pushing for us to do a public event in Fresno and target swing voters. If we do Fresno, we don't do public events or press in LA or San Jose.....which is not good. I've attached a schedule for you to look at. Can you call me so we can chat about this - I need to get resolution on this by Thurs/Fri. Thanks!
51750

SCHEDULE for VICE PRESIDENT AL GORE
MONDAY, APRIL 29, 1996
DRAFT 2

SCHEDULER: JACKIE DYCKE
WORK PHONE: NON-RESPONSIVE
PAGER: MATERIAL
SKYGRAM: REDACTED

WASHINGTON, DC -LOS ANGELES, CA - (T) FRESNO, CA - SAN JOSE, CA-
WASHINGTON, DC

STAFF NOTE	7:30 am (T)	Staff Van departs from the South Court.
------------	-------------	---

8:15 am (T) **PROCEED TO LZ**
Briefing in Car

8:20 am (T) **MARINE II DEPARTS NAVOBS**
En Route: Andrews AFB
Flight Time: 10 minutes

MARINE II MANIFEST

The Vice President
Maj. John Stoner
Caren Solomon
David Strauss
Heather Marabeti
USSS

8:30 am (T) MARINE II ARRIVES ANDREWS AIR FORCE BASE

8:35 am (T) AIR FORCE II DEPARTS ANDREWS
 En Route: Los Angeles International Airport
 Flight time 05:25:00 (- 3 hours)

AIR FORCE II MANIFEST

The Vice President
 Maj. John Stoner
 Caren Solomon
 David Strauss
 Heather Marabeti
 Peggy Wilhide
 Callie Shell
 USSS
 WHCA
 Medic

11:00 am (T) AF II ARRIVES LOS ANGELES INTERNATIONAL AIRPORT
 (CST) FBO:
 OPEN PRESS

GREETERS:

LOS ANGELES, CA ADVANCE TEAM:	
TRIP DIRECTOR: CAREN SOLOMON	
SKYGRAM:	
LEAD:	
SKYPAGER:	██████████
CELL PHONE:	██████████
SITE:	
PHONE:	██████████
SITE:	
SKYPAGER:	██████████
PRESS	
SKYPAGER:	██████████
MOTORCADE:	
SKYPAGER:	██████████

11:10 am (T) **MOTORCADE DEPARTS AIRPORT**
 (CST) En Route: Hsi Lai Temple,
 3456 South Glenmark Drive, Hacienda Heights, CA
 Drive Time: 30 minutes (T)

MOTORCADE MANIFEST

Lead:
 Spare: Solomon, Medic
 Limo: The Vice President
 Control: Strauss, Stoner, Marabeti
 Support: Shell, Wilhide
 Guest:

11:40 am (T) **MOTORCADE ARRIVES HSI LAI TEMPLE**

GREETERS:

STAFF HOLD IS .	PHONE NUMBER
-----------------	--------------

11:45 pm (T) **PROCEED TO HOLD**

12:00 pm (T) **DNC ASIAN PACIFIC AMERICAN LEADERSHIP COUNCIL LUNCHEON**

1:15 pm Room tba, Hsi Lai Temple

Staff Contact: David Strauss
 Event Contact: Maura McManimon
CLOSED PRESS?

tbd **PRESS**

tbd **CLUTCH**

1:20 pm (T) **PROCEED TO MOTORCADE**

1:25 pm (T) **MOTORCADE DEPARTS**

En Route: Los Angeles International Airport
 Drive Time: 30 minutes (T)

MOTORCADE MANIFEST

Lead:

Spare: Solomon, Medic

Limo: The Vice President

Control: Strauss, Stoner, Marabeti

Support: Shell, Wilhide,

Guest:

1:55 pm (T) **MOTORCADE ARRIVES LOS ANGELES AIRPORT**

FBO:

OPEN PRESS

2:05 pm (T) **AIR FORCE II DEPARTS AIRPORT**

En Route: Fresno Air Terminal, Fresno, CA (T)

Flight Time: 55 minutes

AIR FORCE II MANIFEST

The Vice President

Maj. John Stoner

Caren Solomon

David Strauss

Heather Marabeti

Peggy Wilhide

Callie Shell

USSS

WHCA

Medic

3:00 pm (T) **ARRIVE FRESNO AIR TERMINAL**

FBO:

OPEN PRESS

GREETERS:

3:10 PM (T) **MOTORCADE DEPARTS FRESNO AIR TERMINAL**
 En Route: Public Event Site
 Drive Time: 20 minutes (T)

MOTORCADE MANIFEST

Lead:
 Spare: Solomon, Medic
 Limo: The Vice President
 Control: Strauss, Stoner, Marabeti
 Support: Shell, Wilhide

3:20 pm (T) **ARRIVE PUBLIC EVENT SITE**

GREETERS:

STAFF HOLD IS .	PHONE NUMBER
-----------------	--------------

3:25 pm (T) **PROCEED TO HOLD**

3:30 pm (T) **PUBLIC EVENT**
 4:30 pm Location tba
 Staff Contact:

4:35 pm (T) **PROCEED TO MOTORCADE**

4:40 pm (T) **MOTORCADE DEPARTS**
 En Route: Fresno Air Terminal
 Drive Time: 20 minutes (T)

MOTORCADE MANIFEST

Lead:
 Spare: Solomon, Medic
 Limo: The Vice President
 Control: Strauss, Stoner, Marabeti
 Support: Shell, Wilhide
 Guest:

5:00 pm (T) **MOTORCADE ARRIVES FRESNO AIR TERMINAL**

**FBO:
OPEN PRESS**

5:10 pm (T) **AIR FORCE II DEPARTS AIRPORT**
En Route: San Jose International (T)
Flight Time: 40 minutes

AIR FORCE II MANIFEST

The Vice President
Maj. John Stoner
Caren Solomon
David Strauss
Heather Marabeti
Peggy Wilhide
Callie Shell
USSS
WHCA
Medic

5:50 pm (T) **ARRIVE SAN JOSE INTERNATIONAL**
FBO:
OPEN PRESS

GREETERS:

6:00 PM (T) **MOTORCADE DEPARTS AIRPORT**
En Route: Home of George and Judy Marcus
[REDACTED]
Drive Time: 20 minutes (T)

MOTORCADE MANIFEST

Lead:
Spare: Solomon, Medic
Limo: The Vice President
Control: Strauss, Stoner, Marabeti
Support: Shell, Wilhide
Guest:

6:20 pm (T) **MOTORCADE ARRIVES MARCUS RESIDENCE**

GREETERS:

STAFF HOLD IS .	PHONE NUMBER
-----------------	--------------

6:25	pm	(T)	PROCEED TO HOLD
6:30	pm	(T)	DNC RECEPTION
7:30	pm		Room tba, Hsi Lai Temple Staff Contact: David Strauss Event Contact: Maura McManimon CLOSED PRESS?
tbd			PRESS
tbd			CLUTCH
7:35	pm	(T)	PROCEED TO MOTORCADE
7:40	pm	(T)	MOTORCADE DEPARTS En Route: San Jose International Airport Drive Time: 20 minutes (T)
			<u>MOTORCADE MANIFEST</u> Lead: Spare: Solomon, Medic Limo: The Vice President Control: Strauss, Stoner, Marabeti Support: Shell, Wilhide, Guest:
8:00	pm	(T)	MOTORCADE ARRIVES AIRPORT FBO: OPEN PRESS
8:10	pm	(T)	AIR FORCE II DEPARTS AIRPORT En Route: Andrews AFB Flight Time: 04:30:00 (+3 hours)
			<u>AIR FORCE II MANIFEST</u> The Vice President Maj. John Stoner


Caren Solomon
David Strauss
Heather Marabeti
Peggy Wilhide
Callie Shell
USSS
WHCA
Medic


3:40 am (T) AIR FORCE II ARRIVES ANDREWS AFB

3:50 am (T) MOTORCADE DEPARTS AIRPORT
En Route: Naval Observatory
Drive Time: 30 minutes







4:20 am (T) MOTORCADE ARRIVES NAVAL OBSERVATORY

AGJ/MEG RON NAVOBS

 Lisa A. Berg
02/28/96 12:48 PM

To: Joe Keohan/
cc:

Subject: Fundraiser invitations

To: Jackie A Dycke/ Nancy Ozeas/ John J. Donoghue/ Wendy Hartman/
cc: Kimberly H Tilley/
From: Lisa A. Berg/
Date: 11/20/95 10:41:19 PM
Subject: Fundraiser invitations

We have discussed for some time the language to be used on invitations to events involving the VP. For invitations for fundraising events which are confirmed on the VP's schedule, the scheduling desk or contact in the office should make sure the copy is approved before going to print. Please have the event host / sponsor fax you the copy for you to initial and fax back. Please put the initialed copy that has been approved in the accordian under the event date for the scheduler.

The following guidelines apply:

- 1 The title of Vice President IS appropriate to use on invitations.
- 2 The VP's preference is Al Gore, not Albert, not Jr.

therefore he should be called VICE PRESIDENT AL GORE

- 3 The VP MUST be named as a GUEST so as NOT to appear to be doing the inviting;

therefore it should say something like WITH SPECIAL GUEST...

there are many ways to say it correctly, but it is incorrect to say something like JOIN

VP

he MUST BE DESIGNATED as a GUEST

- 4 The cost of the ticket should not appear on the same piece of paper as the invite mentioning Al Gore. We need to suggest to the host that it is on the RSVP card or if not one, on an insert.

NO: ...with Special Guest Al Gore...
...Reception \$500, Dinner \$1,000...

RATHER: separate insert:

_____ will attend
Reception \$ ____
Dinner \$ ____

\$__enclosed

If there are any questions or need for clarification, please check with Kim or Lisa. THANK YOU!!

To: all staff
cc:
From: Michael A. Gill/[REDACTED]
Date: 12/01/95 12:01:00 PM
Subject: Announcing the new way to send internet from Notes

NON-RESPONSIVE
MATERIAL
REDACTED

To: all staff
 cc:
 From: Michael A. Gill/[REDACTED]
 Date: 12/04/95 05:31:44 PM
 Subject: Yet an even EASIER way of sending Internet mail!

To: John J. Donoghue/[REDACTED] Wendy Hartman/[REDACTED] Jackie A Dycke/[REDACTED] Nancy Ozeas/[REDACTED]
 cc: Kimberly H Tilley/[REDACTED] Dennis W. Alpen/[REDACTED]
 From: Lisa A. Berg/[REDACTED]
 Date: 12/08/95 02:53:00 PM
 Subject: Airport greeters / rides in cars etc

NON-RESPONSIVE
 MATERIAL
 REDACTED

To: Ansley Jones/[REDACTED] Lisa A. Berg/[REDACTED] Nancy Ozeas/[REDACTED] Jackie A Dycke/[REDACTED]
 cc: Dennis W. Alpert/[REDACTED]
 From: Caren L. Solomon/[REDACTED]
 Date: 01/17/96 06:31:49 PM
 Subject: Motorcade manifests

To: Kimberly H Tilley/[REDACTED] Lisa A. Berg/[REDACTED] Nancy Ozeas/[REDACTED] Ansley Jones/[REDACTED] John
 J. Donoghue/[REDACTED] Wendy Hartman/[REDACTED]
 cc: BALDERSTON_K/[REDACTED]
 From: Jackie A Dycke/[REDACTED]
 Date: 01/22/96 06:28:48 PM
 Subject: Conversation with Kris Balderston, Cabinet Affairs

NON-RESPONSIVE
 MATERIAL
 REDACTED

To: Dennis W. Alpert/[REDACTED] Caren L. Solomon/[REDACTED] Lisa A. Berg/[REDACTED] Bonnie Houchens/[REDACTED]
 cc:
 From: William Bradshaw/[REDACTED]
 Date: 01/25/96 10:19:47 AM
 Subject: Vehicle Manifesting

To: Lisa A. Berg/[REDACTED] Jackie A Dyck/[REDACTED] Ansley Jones/[REDACTED] Nancy Ozeas/[REDACTED] Bonnie
Houchen/[REDACTED] Peggy Cusack/[REDACTED]
cc:
From: William Bradshaw/[REDACTED]
Date: 01/24/96 07:05:38 PM
Subject: Vehicle Manifesting

NON-RESPONSIVE
MATERIAL
REDACTED

To: Lisa A. Berg/[REDACTED] [REDACTED] RODMAN_C [REDACTED]
[REDACTED] WALLEY_A [REDACTED]
RODMAN_C [REDACTED] FRIENDLY_A [REDACTED]
[REDACTED] STEEL_P [REDACTED] ELKON_N
[REDACTED] GRAHAM_L [REDACTED]
NAPHIN_L [REDACTED] GAINES_J [REDACTED]
[REDACTED] EDWARDS_A [REDACTED]
REFFE_P [REDACTED] ROSENTHAL_D [REDACTED]
[REDACTED] CORNELIUS_C [REDACTED]
GROTE_S [REDACTED] SOLIS_P [REDACTED]
[REDACTED] NICHOLS_H [REDACTED]
PETERSON_K [REDACTED]
cc:
From: BEAUBAIRE_D [REDACTED]
Date: 02/05/96 12:03:00 PM
Subject: Phone Directions

NON-RESPONSIVE
MATERIAL
REDACTED


To: BEAUBAIRE_D [REDACTED]
cc: Lisa A. Berg [REDACTED], SPIRITUS_M [REDACTED], RODMAN_C [REDACTED]
[REDACTED], WALLEY_A [REDACTED],
RODMAN_C [REDACTED], FRIENDLY_A [REDACTED],
[REDACTED], STEEL_P [REDACTED], ELKON_N [REDACTED],
[REDACTED], GRAHAM_L [REDACTED],
NAPHIN_L [REDACTED], GAINES_J @ [REDACTED],
[REDACTED], WARDOS_A [REDACTED],
REFFE_P [REDACTED], CORNELIUS_C @ [REDACTED]


E 8760

[REDACTED], GROTE, S [REDACTED] SOLIS, P
[REDACTED], NICHOLS, H [REDACTED]
PETERSON, K [REDACTED]
ROSENTHAL, D [REDACTED]
From: [REDACTED]
Date: 02/05/96 01:56:00 PM
Subject: RE: Phone Directions

To: All Staff
cc:
From: Lee Ann Brackett/[REDACTED]
Date: 02/05/96 04:36:19 PM
Subject: Autographed Photos

NON-RESPONSIVE
MATERIAL
REDACTED

 Ron Klain
03/05/96 02:12 PM

To: Elaine C. Kamarck 
cc:


Subject: O'Brien Awards


As you probably know, the Chair of the DNC passes out the O'Brien awards each year. -The VP has nominated Howard Glicker for one of these honors, because of Howard's work with College Dems.


Larry O'Brien (the son) called Jack Quinn and asked Jack if the VP would be willing to participate in the O'Brien award ceremonies this year. Jack called me.

Given that you are one of the few people in the WH Complex with a good relationship with Don Fowler, would you mind calling him to see where this stands and what the VP has to do to make Glicker a winner? If Glicker were a winner, it would be easy to get the VP involved in the awards ceremony.

It seems to me that you can do Don a favor by letting him broker this deal: Glicker wins, the VP participates in the awards, and Don gets to call Larry and tell Larry that he has arranged for the VP's participation - making Don a hero with Larry (for getting the VP there) and with us (for getting Glicker the award). Thanks.

 Ron Klain
03/06/96 05:35 PM

To: Elaine C. Kamarck 
cc:

Subject: Re: O'Brien Awards 

I can't believe this. There would be no College Democrats with Howard's fundraising for them and mentorship of them. If Fowler cannot do this for us -- if the VP cannot recommend one of nine winners of the O'Brien awards -- then Aargh!

Julia M. Payne
04/04/96 01:35 PM

To: Jackie A Dyck

cc:

Subject: Re: california trip for vp on April 29th.

jd, couple of things:

los angeles, as you know, is the largest media market in california: we need something public.
san jose and fresno are numbers 4 and 6 in media market: we need something public. i hate to do this to
you but why can't we just do the public event in san jose and then the dinner? i know how important
fresno is but we shouldn't miss any media opportunities. let me know. thanks.

Jackie A Dycke
02/18/96 03:41 PM

SCHEDULES
Joel Velasco/OVP@ [REDACTED]

Subject: VP FINAL FOR MONDAY, FEBRUARY 19, 1996

**SCHEDULE FOR VICE PRESIDENT AL GORE
MONDAY, FEBRUARY 19, 1996
FINAL**

**SCHEDULER: JACKIE DYCKE
WORK PHONE:
PAGER:**

MIAMI, FLORIDA - WASHINGTON, DC

**NOTE: POTUS down for the day. Evening DNC Asian American Dinner and
DNC Business Council Dinner.**

NON-RESPONSIVE
MATERIAL
REDACTED

NON-RESPONSIVE
MATERIAL
REDACTED

NON-RESPONSIVE
MATERIAL
REDACTED

10:35 am **ARRIVE DORAL GOLF RESORT**
4400 Northwest 87th Avenue, Miami FL

GREETERS: Joel Paige, President and GM, Doral Golf Resort
Irwin Kaisse, Director of Operations, Doral Golf Resort
Marty Lang, Director of Catering, Doral Golf Resort

STAFF NOTE: STAFF HOLD IS CHAIRMAN'S BOARD ROOM
--

10:40 am **PROCEED TO HOLD**
Laurel Room

NOTE: Change to business attire

10:50 am **PROCEED UPSTAIRS TO PAVILLION C**

10:55 am **RECEIVING LINE WITH DEMOCRATIC BUSINESS COUNCIL**
VICE 11:00 am CHAIRS
Pavillion C, Doral Golf Resort
Event Contact: Richard Sullivan/Maura McManimon

Format:
-Photos with 8-10 Vice Chairs

11:05 am **PROCEED TO PAVILLION ROOM**

11:10 am- **REMARKS TO THE DNC DEMOCRATIC BUSINESS COUNCIL**
11:55 am **CONFERENCE**

Pavillion Room, The Doral Golf Resort
 Staff Contact: David Strauss
 Event Contact: Richard Sullivan/Maura McManimon
CLOSED PRESS

Format:

- Alan Solomont, DBC Chairman, will introduce the Vice President.
- The Vice President will make remarks.
- The Vice President will work a ropeline to departure.

Audience

- Approximately 300 Democratic Business Council members

12:00 pm **PROCEED TO PAVILLION C**

12:05 pm **FLORIDA STEERING COMMITTEE RECEPTION**
 12:20 pm Pavillion C, Doral Golf Resort
 Staff Contact: Richard Sullivan/Maura McManimon
CLOSED PRESS

Format:

- Mix and Mingle with @20-25 steering committee members.

PROCEED TO MOTORCADE

12:25 pm **MOTORCADE DEPARTS DORAL GOLF RESORT**

Gables En route: Residence of Ira Leesfield, [REDACTED]

Drive time: 25 minutes

MOTORCADE MANIFEST

Lead: Latz
 Spare: Solomon, Kettell
 Limo: The Vice President
 Control: Strauss, Marabeti, Houchen
 Support: Humnicky, Wilhide, Photographer

12:50 pm **MOTORCADE ARRIVES SITE**
 Home of Ira Leesfield

GREETERS: IRA AND CYNTHIA LEESFIELD

STAFF NOTE: STAFF HOLD IS FAMILY ROOM. LUNCH WILL BE SERVED.
--

12:55 pm

PROCEED TO HOLD

Guest Room

1:00 pm-

RECEIVING LINE

1:10 pm

Loft, Home of Ira and Cynthia Leesfield

Staff Contact: Richard Sullivan/Maura McManimon

CLOSED PRESS**Format:**

- The Vice President will do a receiving line with approximately 50

people

Audience

-50 new members of Democratic Business Council

1:15pm-

PROCEED TO HOLD

1:20 pm-

DNC DEMOCRATIC BUSINESS COUNCIL LUNCHEON

2:05 pm

Pool Deck, Home of Ira and Cynthia Leesfield

Staff Contact: Maura McManimon

CLOSED PRESS**Format:**

-Ira Leesfield welcomes the group and introduces Chmn. Don Fowler.

-Chmn Don Fowler makes brief remarks and introduces the Vice

President.

-The Vice President makes remarks.

-The Vice President departs.

NOTE:

- The Vice President will be seated at a round table

Audience

-50 new members of Democratic Business Council

2:10 pm

PROCEED TO MOTORCADE

NON-RESPONSIVE
MATERIAL
REDACTED

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REDACTED

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NON-RESPONSIVE
MATERIAL
REDACTED

SCHEDULE FOR VICE PRESIDENT AL GORE
MONDAY, FEBRUARY 19, 1996
FINAL

SCHEDULER: JACKIE DYCKE
WORK PHONE:
PAGER:

MIAMI, FLORIDA - WASHINGTON, DC

NOTE: POTUS down for the day. Evening DNC Asian American Dinner
and
DNC Business Council Dinner.

NON-RESPONSIVE
MATERIAL
REDACTED

NON-RESPONSIVE
MATERIAL
REDACTED

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REDACTED

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CLOSED PRESS

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-Mix and Mingle with @20-25 steering committee members.

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 Limo: The Vice President
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--------------------	---

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-Chmn Don Fowler makes brief remarks and introduces the Vice

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-The Vice President makes remarks.

-The Vice President departs.

NOTE:

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Audience

-50 new members of Democratic Business Council

2:10 pm

PROCEED TO MOTORCADE

NON-RESPONSIVE
MATERIAL
REDACTED

NON-RESPONSIVE
MATERIAL
REDACTED

NON-RESPONSIVE
MATERIAL
REDACTED

NON-RESPONSIVE
MATERIAL
REDACTED

NON-RESPONSIVE
MATERIAL
REDACTED

SEE PREVIOUS SCHEDULE, PAGE 2.

11:10 am ARRIVE DORAL GOLF RESORT
The Vice President
Mrs. Gore
Albert Gore (T)
Maj Bonnie Houchen
Caren Solomon
Heather Marabeti
USSS4:30 am (T) PROCEED TO LZ
Briefing in Car

NON-RESPONSIVE
MATERIAL
REDACTED

Joseph D Eyer

03/29/96 03:06 PM

To: Callie Shell/ [REDACTED]
cc:

Subject: John Huang

John Huang's address is :

Vice Chair for Finance
Democratic National Committee
430' S. Capitol Street, SE
Washington, DC 20003



HANCOX_K [REDACTED] On 11/29/95 11:01:00 AM


To: Kimberly H Tilley, Lisa A. Berg [REDACTED]
cc:


Subject: DNC

FYI:

DNC will take the Dec. 14 lunch with VP and will get back to me today if they can fill the Dec. 15 and 18 coffees.

Thanks

 Nancy Ozeas
12/29/95 12:38 PM

To: Kimberly H Tilley/
cc:

Subject: Questions for Cheryl Mills

TO: Kim Tilley

FROM: Nancy Ozeas

RE: Ethics questions

DATE: December 29, 1995

NON-RESPONSIVE
MATERIAL
REDACTED

I would like to have answers to the following for DNC and If the answers are the same we should know that and if they are different we need to note the differences.

ADMINISTRATIVE

1. How should we make telephone calls to the DNC ? (local and long distance) - Can we use the phones at our desks for all calls?
2. Telephone calls to advance teams on the road and to advance people for in-town events.
 1. Do we have to use the credit card for all telephone calls to advance people on the road?
 2. Can we call Advance people at work to talk about DNC events if they work for the Administration?
3. How should we make Telephone calls to all other contacts on trips - and site contacts?
4. Can we use our fax machine? Do we have to use the Credit Card # with the fax as well?
5. Can we use our computers?

TRIPS

1. Can we transport DNC people in our staff vans to in-town events or to Andrews Air Force Base? If so do we need to create an account for them to reimburse us for these rides?

2. Can we transport DNC staff on the road?
 1. When they are paying for the whole trip?
 2. When it is a split trip?
 3. Are there any cases when we need to be reimbursed?

NON-RESPONSIVE
 MATERIAL
 REDACTED


3. Greeters on DNC trips.
 1. Can the White House offices of Legislative and Political get involved at all?
 2. If no then who should be making the Political calls?
 3. Who can be invited to the airport for arrival and/or departure?
 3. Are these the same answers for DNC ?

4. Who can be invited to fly on AFII as guests?


5. Can DNC and/or Re-elect staff fly on AFII anytime they are either paying for the whole trip or willing to reimburse for the flight equivalent to a first-class ticket?

PAYMENT

1. Do we need payment for anything in advance?

 Kimberly H Tilley
11/27/95 08:02 AM

To: Heather M. Marabeti, Lisa A. Berg
cc: NON-RESPONSIVE
Subject: Re: Calls MATERIAL
REDACTED

To: HANCOX_K
cc: David M. Strauss
From: Kimberly H Tilley
Date: 11/27/95 08:02:05 AM
Subject:  Re: Calls

We'll get the call list, however, to Heather; she's great about slipping in the calls whenever possible. We'll work on getting the time for Tuesday.

How many calls and when do the calls need to be completed by?

To: Kimberly H Tilley
cc: David M. Strauss
From: HANCOX_K
Date: 11/24/95 10:03:00 AM
Subject: Calls

FYI:

The POTUS and VP offered (ON THEIR OWN) to make f.r calls for the DNC.

Harold would like those calls to start Monday.

Harold will be asking POTUS to carve an hour out of his schedule Mon. and Tues. for the calls, and would like to ask the same of the VP.

Please advise.



HANCOX_K6 [REDACTED] 11/24/95 10:56:00 AM

To: Kimberly H Tilley
cc: David M. Strauss

Subject: PS

PS - The DNC will have the calls ready for the VP Monday morning.

Attached File: 112410A3.TXT



HANCOX_K on 11/24/95 10:03:00 AM

To: Kimberly H Tilley
cc: David M. Strauss

Subject: Calls

FYI:


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Harold would like those calls to start Monday.

Harold will be asking POTUS to carve an hour out of his schedule Mon. and Tues. for the calls, and would like to ask the name of the VP.

Please advise.

E 8789

 Kimberly H Tilley
02/06/96 07:57 PM

To: Lisa A. Berg 
cc:

Subject: john wong/dnc - 2/20 event

I spoke with him to set up a time for the asian-american event. Because the President has a coffee in the a.m., we may be able to do the breakfast time between 9 and 10. John is very willing to accommodate the VP's schedule

Would you mind following up with him at :

Thanks

NON-RESPONSIVE
MATERIAL
REDACTED



HANCOX_K@A1 on 02/22/96 07:58:00 AM


To: Kimberly H Tilley/[REDACTED], Lisa A. Berg/[REDACTED]
cc: David M. Strauss/[REDACTED]


Subject: CA


The DNC has asked, once we know, to be told what cities the VP will be in in CA March 8/9. They can probably use him, depending on the cities.

thanks



PS - POTUS is going to do SF when he is in CA March 8/9 -- ergo -- the DNC is dropping its SF request for the VP in April -- they just need L.A. and San Jose in April.

 Lisa A. Berg
02/12/96 03:11 PM




To: Kimberly H Tilley/
cc:

Subject: Re: Two Things


I've been meaning to ask...why would Cuomo travel with the VP?



To: Lisa A. Berg/
cc:
From: Kimberly H Tilley/
Date: 02/10/96 01:16:59 PM
Subject: Re: Two Things

FYI. I'll call Beth D. to work on a date. Re: the second item, once I speak with Ron about this, we should be able to identify a few opportunities right off the bat. Thanks.

To: Ron Klain/
cc:
From: Kimberly H Tilley/
Date: 02/10/96 01:14:54 PM
Subject:  Re: Two Things

1. I'll give her a buzz.

2. O.K. Can we send him on re-elect trips?

To: Kimberly H Tilley/
cc:
From: Ron Klain/
Date: 02/09/96 06:57:27 PM
Subject: Two Things

1. Dozoretz. VP signed off on a dinner at her house. Can you work with her for a date. April is great.

2. Cuomo. I want Andrew Cuomo to travel w/VP when he visits large cities. Let's talk about this.



Kimberly H Tilley
02/13/96 06:59 PM

To: Ron Klain/ [REDACTED]
cc:

Subject:

A few things:

1. Beth Dozoretz - We had a good conversation. We're looking at 4/23 or 4/29 for the dinner; I'll run by the VP. I'm also sending her the list of places where we're travelling.
2. Andrew Cuomo - Got the answer from Kumiki. Before I call him, we should talk because it may involve \$\$\$ out of his pocket.

3. Personnel -

NON-RESPONSIVE
MATERIAL
REDACTED

Thanks.



HORWITZ_R@A1 on 02/09/96 07:51:00 PM

To: Lorraine A. Voles/C [REDACTED] P, Kimberly H Tilley/ [REDACTED], LEIGHT_K [REDACTED]
 CAPPS_L [REDACTED] BLINKEN_A [REDACTED]
 COSTELLO_B [REDACTED] BUSHMAN_G [REDACTED]
 CAMERON_RA [REDACTED] CAPLAN_P [REDACTED]
 CAPUTO_L [REDACTED] CAREY_P [REDACTED]
 COHEN_SAC [REDACTED] E, SOSNIK_D [REDACTED]
 CRUMLEY_A [REDACTED] CURIEL_C [REDACTED]
 CURRIE_B [REDACTED] Cynthia L.
 Gire@ [REDACTED] Cynthia L.
 Gire@ [REDACTED] BALDWIN_K [REDACTED]
 DEEGAN_P [REDACTED] Dennis W.
 Alpert@ [REDACTED] EDWARDS_A [REDACTED]
 EMANUEL_R [REDACTED] EMERSON_J [REDACTED]
 FINE_D [REDACTED] FINNEY_K [REDACTED]
 GOLDBERG_JS [REDACTED] GROTE_S [REDACTED]
 JORDAN_RL [REDACTED] HART_J [REDACTED]
 HERMAN_A [REDACTED] HERNREICH_N [REDACTED] Holly C.
 Carver [REDACTED] Joseph W.
 Cerrell [REDACTED] Julia M.
 Payne [REDACTED] KING_J [REDACTED] Kris Van
 Giesen [REDACTED] LATTIMORE [REDACTED]
 LI_G [REDACTED]
 MCHUGH_L [REDACTED] MCKIERNAN_K [REDACTED]
 MELLODY_A [REDACTED] MOFFETT_J [REDACTED]
 MOORE_L [REDACTED] CORLETTE_S [REDACTED]
 OCONNOR [REDACTED] MASON [REDACTED]
 PRINCE_J [REDACTED] QUINN_J [REDACTED]
 RASCO_C [REDACTED] REED_B [REDACTED]
 REED_B [REDACTED] RIVASVAZQU_A [REDACTED]
 SATTERFIEL_L [REDACTED] SCHIFF_D [REDACTED]
 SCOTT_M [REDACTED] SILVERMAN_S [REDACTED]
 SOLIS_P [REDACTED] TABERSKI_D [REDACTED]
 CAPPS_L [REDACTED] STERN_T [REDACTED]
 RODMAN_C [REDACTED] Sally J.
 Aman@ [REDACTED] Skila S.
 Harris@ [REDACTED] TERZANO_V [REDACTED]
 KRISTIE KENNEY [REDACTED]
 MELISSA BONNEY [REDACTED]
 TOM O'DONNELL [REDACTED]
 TOIV_B [REDACTED] VADEN_E [REDACTED]
 WALDMAN_M [REDACTED] COLLINS_D [REDACTED]
 WALLEY_A [REDACTED] WEINSTEIN_P [REDACTED]
 WEXLER_D [REDACTED] YAGER_M [REDACTED]
 LEWIS_P [REDACTED] DEMEO_J [REDACTED]
 SHIPLEY_D [REDACTED] GREEN_J [REDACTED]
 WILKIE_A [REDACTED] KING_A [REDACTED]
 BENAMI_J [REDACTED] LANE_D [REDACTED]
 KHAPRA_Y [REDACTED] COLLINS_D [REDACTED]
 BURKE_D [REDACTED] SPIRITUS_M [REDACTED]
 ROBINSON_C [REDACTED] CAPLAN_P [REDACTED]
 DORVAL_C [REDACTED] LEIGHT_K [REDACTED]
 LIEBERMAN_E [REDACTED] MATSUI_D [REDACTED]
 RADD_V [REDACTED] NAPLAN_S [REDACTED]
 NAPLAN_S [REDACTED] ORSZAG_J [REDACTED]
 ABERNATHY_P [REDACTED]

CC:

Subject: News Calendar

NEWS CALENDAR
WEEKLY EDITION
February 10, 1996

This calendar is issued for internal planning purposes only.

FEBRUARY

SAT

2/10 POTUS:
EVENTS:

NON-RESPONSIVE
MATERIAL
REDACTED

SUN

2/11 POTUS:
EVENTS:

MON Lincoln's Birthday

2/12 POTUS:

DNC

afternoon coffee

VPOTUS:

EVENTS:

TUE

2/13 POTUS:
VPOTUS:

EVENTS:

BIRTHDAYS:

WED Valentine's Day

2/14 POTUS:

VPOTUS:

EVENTS:

BIRTHDAYS:

THUR

2/15 POTUS:

VPOTUS:

EVENTS:

NON-RESPONSIVE
MATERIAL
REDACTED

FRI

2/16 POTUS:

VPOTUS:

POTUS DNC Trustees Din;

EVENTS:

SAT

2/17 POTUS:

BIRTHDAYS:

SUN

2/18 VPOTUS:

EVENTS: P

MON

2/19 President's Day

POTUS: 2 DNC Dinners, Off Campus

VPOTUS: DNC BusCh- Miami/FtL; DNC Dinner

EVENTS:

TUE

2/20 POTUS:

VPOTUS:

Asian American breakfast;

EVENTS:

BIRTHDAYS:

WED

2/21 POTUS:

DNC Dinner

VPOTUS:

EVENTS:

THUR

2/22 POTUS:

DNC coffee

NON-RESPONSIVE

VPOTUS:

MATERIAL

EVENTS:

REDACTED

MILESTONES:

FRI

2/23 POTUS:

VPOTUS:

EVENTS:

SAT

2/24 POTUS:

VPOTUS:

EVENTS:

SUN

2/25 EVENTS:

MON

2/26 POTUS:

VPOTUS: DNC Cincin; DNC Columbus;

EVENTS:

MILESTONES:

TUE

2/27

VPOTUS:

EVENTS:

BIRTHDAYS:

WED

2/28 POTUS:

VPOTUS:

EVENTS:

MILESTONES:

NON-RESPONSIVE
MATERIAL
REDACTED

THUR

2/29 POTUS:

VPOTUS:

EVENTS:

MARCH

PRINTER FONT 10_POINT_COURIER

FRI

3/1 EVENTS:

;

SAT

3/2 POTUS:

VPOTUS: Omens/DNC;

EVENTS:

BIRTHDAYS:

SUN

3/3 EVENTS:

MON

3/4 POTUS:

EVENTS:

BIRTHDAYS

TUE

3/5 POTUS: DNC Afternoon Coffee;

VPOTUS:
EVENTS:

WED
3/6 POTUS:

VPOTUS: DNC CG lunch
BIRTHDAYS:

THUR
3/7 POTUS:
VPOTUS:

EVENTS:

FRI
3/8 POTUS:
VPOTUS:
EVENTS:

NON-RESPONSIVE
MATERIAL
REDACTED

SAT
3/9 POTUS:
VPOTUS:
EVENTS:

SUN
3/10 POTUS:
EVENTS:

MON
3/11 POTUS:
VPOTUS:
BIRTHDAYS:

TUE
3/12 EVENTS:

WED
3/13

THUR
3/14 POTUS:
VPOTUS:

FRI
3/15 POTUS:

BIRTHDAYS:

SAT

3/16 POTUS:

EVENTS:

SUN

3/17 EVENTS:

MON

3/18 POTUS: DNC Coffee

EVENTS:

TUE

3/19 POTUS:

VPOTUS:

EVENTS:

WED

3/20 EVENTS:

NON-RESPONSIVE
MATERIAL
REDACTED

THUR

3/21 POTUS:

VPOTUS:

FRI

3/22 POTUS:

SAT

3/23 POTUS: DNC Fundraiser in Cleveland (T) (JJ Dinner)

EVENTS:

SUN

3/24

MON

3/25 POTUS:

EVENTS:

TUE

3/26 EVENTS:

BIRTHDAYS:

WED

3/27 POTUS: DNC Lunch; DNC Dinner

BIRTHDAYS:

THUR

3/28 POTUS: DNC Coffee;

FRI
3/29 POTUS:
VPOTUS:
EVENTS:

SAT
3/30 POTUS:
VPOTUS:
EVENTS:

SUN Palm Sunday
3/31

APRIL

MON
4/1 POTUS: DNC Coffee
VPOTUS:
EVENTS:

TUE
4/2 POTUS:

VPOTUS:
EVENTS:

NON-RESPONSIVE
MATERIAL
REDACTED

WED
4/3 POTUS:
VPOTUS:

THUR
4/4 EVENTS:
MILESTONES:
BIRTHDAY:

FRI
4/5 POTUS:
EVENTS:

SAT
4/6 POTUS:
EVENTS:

SUN
4/7 EVENTS:

MON
4/8 POTUS:
VPOTUS:

DNC Dinner;

TUE
4/9 POTUS: Morning Coffee
MILESTONES:

WED
4/10 POTUS: Baltimore FR lunch (T); Philadelphia FR dinner (T)

THUR
4/11 MILESTONE:

FRI
4/12 POTUS:
MILESTONE:

SAT
4/13 POTUS:

SUN
4/14 EVENTS:

NON-RESPONSIVE
MATERIAL
REDACTED

MON
4/15 POTUS:
VPOTUS:
EVENTS:

TUE
4/16 POTUS:

MILESTONE:

WED
4/17 POTUS:

THUR
4/18 POTUS:
VPOTUS:

FRI
4/19 POTUS:
VPOTUS:
MILESTONE:

SAT
4/20 POTUS:
BIRTHDAY:

SUN
4/21 POTUS:
BIRTHDAYS:

MON

4/22 POTUS:
EVENTS:

TUE

4/23 EVENTS:

WED

4/24

THUR

4/25 POTUS: DNC Gala (T)
VPOTUS: DNC Gala

FRI

4/26 POTUS:
VPOTUS:NON-RESPONSIVE
MATERIAL
REDACTED

SAT

4/27 POTUS:

VPOTUS:
EVENTS:

SUN


4/28

MON


4/29 POTUS:

TUE

4/30 POTUS:
VPOTUS:

 Lisa A. Berg
02/08/96 09:33 AM


To: Peggy Cusack/[REDACTED]
Cc: Nancy Ozeas/[REDACTED], Kimberly H Tilley/[REDACTED], John J. Donoghue/[REDACTED]

Subject: Re: meeting next week 


The Meeting below needs to happen Tuesday Feb 20 between 8:00 & 9:00 am - John, please know you also have an Asian American Breakfast at 9:00 am

From: Peggy Cusack/[REDACTED]
Date: 02/07/96 12:48:34 PM
Subject: meeting next week


NON-RESPONSIVE
MATERIAL
REDACTED

 Peggy Cusack
02/08/96 09:25 AM

To: Lisa A. Berg/[REDACTED]
cc: Nancy Ozeas/[REDACTED], Kimberly H Tilley/[REDACTED]

Subject: Re: meeting next week 


works for us -- can I call and schedule it?

To: Peggy Cusack/[REDACTED]
cc: Nancy Ozeas/[REDACTED], Kimberly H Tilley/[REDACTED]
From: Lisa A. Berg/[REDACTED]
Date: 02/08/96 08:26:52 AM
Subject:  Re: meeting next week

Monday travel, Tuesday Asian Am Coffee, Weds Thurs - Looks like this
needs to be on FRIDAY, FEB 23 Between 8 & 8:40 am -

To: Kimberly H Tilley/[REDACTED], Lisa A. Berg/[REDACTED], Nancy Ozeas/[REDACTED], Jackie A Dycke/[REDACTED]
cc: John J. Donoghue/[REDACTED]
From: Peggy Cusack/[REDACTED]
Date: 02/07/96 12:48:34 PM
Subject: meeting next week

NON-RESPONSIVE
MATERIAL
REDACTED

 Heather M. Marabeti
02/02/96 01:26 PM

To: Kimberly H Tilley [REDACTED]
Cc: Lisa A. Berg [REDACTED], David M. Strauss [REDACTED], Heather M. Marabeti [REDACTED]

Subject: AG spoke with Cong Bob Matsui. Here's what he told AG:

there's an Asian-American dinner on 2/19 (not really clear whether or not he wants AG to attend) and he wants AG to do either a breakfast or a lunch with the group on 2/20. Kim, he'd like you to please follow up with Matsui's office. I think he's inclined to do something for them if it can be worked out. Thanks.

Joseph D Eyer**02/18/96 06:06 PM**

To: Michael J. Burton [REDACTED]
 cc:

Subject:

George Chang is a well-off, native Taiwanese Virginia businessman who has made his living in medical supplies.

All in all, John Huang offered a cautiously optimistic assessment of George Chang. When it came to his history as a donor, Huang characterized him as "consistent, but not in large amounts." He was optimistic that Chang has the ability to tap resources in a variety of the fractious components that make up the Taiwanese business community. Huang termed Chang a "consistently strong player" and a loyal Democrat.

According to John, his political leanings have shifted from pro-independence to more moderate. John believes Chang wants the U.S. to play a role in bringing China and Taiwan to the table in order to stabilize relations - even in light of the recent developments in the region.

Currently, Chang is trying to arrange a POTUS coffee through the DNC, as well as a POTUS interview with a Taiwanese reporter. In return for the DNC's efforts, Chang has promised to raise \$250,000. John feels there is a chance Chang has over-promised, but he plans to keep working with him.

In the final analysis, Huang feels Chang can be a positive force for the DNC if he is controlled and guided. He was not familiar with any of the allegations contained in the Doris Matsui packet, though he indicated Chang is an East Coast player, whereas John is from California.



OCHS_E@A1 on 04/09/96 09:27:00 AM

To: WIDDESS_K [REDACTED]
cc: Heather M. Marabeti/OVP [REDACTED], Ellen L. Ochs [REDACTED]

Subject: Greek State Dinner

Kim, please see 2 names from the Vice President to take precedence over the other 3 I already sent you:


1) George and Judy Marcus
President of Marcus & Millichap


*Note: George and Judy Marcus are hosting a DNC fundraiser at their home in CA on april 29th, which the VP is attending.

2)

NON-RESPONSIVE
MATERIAL
REDACTED

*Note:

 Kimberly H Tilley
06/12/95 12:06 PM

To: Jack M. Quinn 
cc:


Subject:

1. DNC advisory group on technology and telecommunications. You passed along Don Fowler's letter saying the VP wanted to do this as well as convene the initial meeting in his (the VP's) office. Will the time commitment be beyond this initial meeting? If so, what's the expectation?

2.

3. NON-RESPONSIVE
MATERIAL
4. REDACTED

Thanks—

 Ellen L. Ochs
06/29/95 02:28 PM

To: Kim H Tilley/ [REDACTED] Rod O'Connor/ [REDACTED]
cc: David M. Strauss/ [REDACTED] Dennis W. Alpert/ [REDACTED]

Subject: Florida day luncheon


At the FLA day planning meeting today – the luncheon program was discussed – although it is still tentative, they are thinking as follows:


Terry Brady, Fla Dem Chair welcome/intro Gore

VP speaks

Mignon & Fowler speak/Q&A

I have lists if you want them for all events on July 20/FLA day. Also, I am working on a small group of folks for a coffee/dutch in VP's West Wing Office, although noone has been promised anything. (Mick Berger & Howard Glicker are looking at the lists and suggesting 5 folks each.) Stop me if I'm going off in bad directions! I've also asked that Dennis be invited to the WH reception, since he is our FLA political advance person.

 Lisa A. Berg
08/10/95 08:08 AM

To: Kimberly H Tilley/
cc:

Subject: REMAINING DATES

Tuesday	September 26		POTUS in town
Thursday	October 12	DNC DC PM	DM meeting follows
Tuesday	October 17	Beaumont TX	On front / or back of joint TX trip
Friday	October 20	NYC - Lib Party /	POTUS Travel
Wednesday	October 25	DNC Coffee	POTUS Down for am
Monday	October 30	11.Am. Dinner	

NON-RESPONSIVE
MATERIAL
REDACTED



Holly D. Carver at [REDACTED] on 05/15/95 12:45:00 PM

To: Albert Gore [REDACTED]
Cc: Kimberly Tiley, Heather M. Marabeti


Subject: Coffee with the President tomorrow from 10-11 am

Tomorrow's attendees are:

Dr. Richard Boxer
Michael Bronfein
Mahendra Gupta
Val Halamandaris
Thomas Hendrickson
Peter Kelly
Bill Lerach
Ray Lesniak
Lewis Manilow
Marie Ridder
Richard Swann

NON-RESPONSIVE
MATERIAL
REDACTED

The only time we would be able to fit the meeting in is during the coffee. Please let me know if you are willing to skip the coffee tomorrow. Thank you.

 Philip G Dufour
05/10/95 05:26 PM

To: Kimberly H Tilley [REDACTED]
cc: Bill Althoff [REDACTED]
Subject: Re: Coffee dates [REDACTED]

NON-RESPONSIVE
MATERIAL
REDACTED

These dates appear to be OK with me, assuming you mean am events, these should be OK,
Let me know how you want to proceed.

Thanks!!

To: Philip G Dufour [REDACTED] Peggy Cusack [REDACTED]
cc:
From: Kimberly H Tilley [REDACTED]
Date: 05/09/95 07:08:24 PM
Subject: Coffee dates

The DNC is requesting the VP host four coffees to spread throughout the months of May and June. I was misinformed that these could happen in the White House; turns out they need to be at NavObs. The dates we've targeted on his schedule are May 31, June 6, June 9 and June 20. I know June 9th is a problem because of the reception that evening, but these coffees are low-impact. The format is an informal gathering of 10-12 people for about an hour and the DNC picks up the tab. Does this work for you? (MEG does not need to participate unless she wants to do so.)

Thanks--

To: Philip G Dufour [REDACTED] Peggy Cusack [REDACTED]
cc:
From: Kimberly H Tilley [REDACTED]
Date: 05/09/95 07:08:24 PM
Subject: Coffee dates

The DNC is requesting the VP host four coffees to spread throughout the months of May and June. I was misinformed that these could happen in the White House; turns out they need to be at NavObs. The dates we've targeted on his schedule are May 31, June 6, June 9 and June 20. I know June 9th is a problem because of the reception that evening, but these coffees are low-impact. The format is an informal gathering of 10-12 people for about an hour and the DNC picks up the tab. Does this work for you? (MEG does not need to participate unless she wants to do so.)

Thanks--



Lucia F. Gilliland
02/28/96 12:54 PM

To: Ron Klain [REDACTED] David M. Strauss [REDACTED] Skila S. Harris [REDACTED]
cc:

Subject: coffees with HRC

There will be a series of 15 person coffees with the First Lady. Are there any women (from anywhere) who are opinion leaders in their states or who have a constituency whom OVP would like invited to one of these? There may be a few remaining small coffees with POTUS for men and women. I'll send any names you have in on Monday, March 4th.

Delivery Failure Report

Your document: Re: fundraising requests
 was not delivered david r. thomas [REDACTED]
 to:
 because: Unknown message recipient : david r. thomas [REDACTED]

What should you do?

- You can resend the undeliverable document to the recipients listed above by choosing the Resend button or the Resend command on the Actions menu.
- Once you have resent the document you may delete this Delivery Failure Report.
- If resending the document is not successful you will receive a new failure report
- Unless you receive other Delivery Failure Reports, the document was successfully delivered to all other recipients.

Routing path

To: Kim J. Hopkins at gore-dc [REDACTED]
 cc: david r. thomas [REDACTED], Thurgood Marshall Jr. [REDACTED], Michael B. Feldman [REDACTED]
 From: John J. Donoghue
 Date: 03/07/96 09:56:00 AM
 Subject: Re: fundraising requests

New Text Item: Re: fundraising requests

I will send a copy of my fundraiser list which I update weekly, and will create a list of all funders we've done in the past. Thanks.

(Embedded
 image moved Kim J. Hopkins at gore-dc [REDACTED]
 to file: 03/07/96 10:18 AM
 PIC001.PCX)

To: John Donoghue
 cc: Thurgood Marshall Jr., Michael B. Feldman, David R. Thomas [REDACTED]
 Subject: fundraising requests

John,

You know how you were so good to pull up Bart Gordon's funder for me? Well our office was wondering if you do have a list compiled of the funders we've done and the ones that are pending...the process of handling these seems to change so often that I personally get confused as to who holds the full list, Strauss? You? Kim? Any info would be great. Thanks.

NON-RESPONSIVE
MATERIAL
REDACTED

Elizabeth J. Colham	04/11/96 06:11 PM
---------------------	-------------------

To: Albert Gore
cc:

Subject: 6:15p Draft Schedule for Friday

This is the latest draft of your schedule tomorrow. Joe Keohan, your scheduler for Friday, will try and get a final copy to you this evening.

SCHEDULE FOR VICE PRESIDENT AL GORE
FRIDAY, APRIL 12, 1996
DRAFT 7

SCHEDULER: JOE KEOHAN
PHONE:
WHCA PAGER:

NON-RESPONSIVE
MATERIAL
REDACTED

8:20 am DNC COFFEE
9:20 am Ceremonial Office
Staff Contact: Ellen Laughlin Ochs

NON-RESPONSIVE
MATERIAL
REDACTED



DUNN, D. on 03/05/96 05:47:00 PM

To: Joel Velasco/ [REDACTED], CAMERON RA [REDACTED]
 SPANGLER, J [REDACTED], HART, J [REDACTED]
 JORDAN, RL [REDACTED], SATTERFIELD, L [REDACTED]
 SILVERMAN, J [REDACTED]

cc:

Subject: Tomorrow's coffee list for 9am

March 5, 1996

COFFEE WITH POLITICAL SUPPORTERS

DATE: March 6, 1996
 LOCATION: Map Room
 TIME: 9 a.m.
 FROM: Doug Sosnik

I. PURPOSE

To meet with political supporters from around the country

II. Background

This is the tenth in your series of coffees for political supporters. Today's coffee is comprised of Southerners, seniors and county officials. The senior participants may raise Medicare and Medicaid issues with you and how they can be used to build support within the senior community.

III. PARTICIPANTS

See attached list.

IV. PRESS PLAN

Closed.

V. SEQUENCE OF EVENTS

Enter Map Room, discuss informally and depart.

VI. REMARKS

None required.

Master List for POTUS morning coffee on March 6, 1996

Mr. George Carenbauer
State Party Chairman
Charleston, WV

As you know, George was a classmate of yours and currently he serves as the state Democratic Party Chairman. In 1992, he was the Clinton state director.

Ms. Meril Stumberger
Boca Raton, FL

Meril is a Palm Beach County political activist. She has a strong political machine and will be a major help in our efforts with senior citizens.

Ms. Maxine Green
President of the National Tenants Organization
Fort Pierce, FL

Maxine is the President of the National Tenants Organization, and her organization was very involved during the early stages of your 1992 campaign efforts. She is a strong supporter of yours.

The Honorable Ben Chandler
Attorney General
Frankfurt, KY

Ben was recently elected Attorney General. Prior to Attorney General he served as State Auditor. He has strong support throughout the state and his participation can be key to our organizing efforts in Kentucky.

Mr. Howard Owens
Legislative Director & Convention Chair of Congress of California Seniors
Sacramento, CA

Howard is the Legislative Director and Convention Chair of the Congress of California Seniors, for the retiree arm of the AFL-CIO. The group, numbering 5 million, has been extremely supportive of you during the budget debate.

Ms. Lou Glasse
Poughkeepsie, NY

Lou Glasse is a member of the White House Conference on Aging's Policy Committee, and was the former President of the National Older Women's League.

Mr. Martin Berger
Ardmore, PA

Martin represents UNITE retirees, and is the most important organizer of labor retirees in Eastern Pennsylvania. He has been active in mobilizing seniors on Medicare and Medicaid during the budget debate, and will play a key role in the '96 campaign.

Mr. Gerald McEntee
President
American Federation of State, County and Municipal Employees
AFL-CIO Executive Councilman
Washington, D.C.

Jerry's major concerns are welfare reform -- and the threat of job displacement, privatization, and the federal budget. He is pleased with the conclusion reached by the Secretary of Labor's Task Force on Excellence in State and Local Government Through Labor Management Corporation. The report, which will be released this month, emphasizes service improvements through employee involvement and cites numerous examples where collective bargaining relationships in state and local government have led to improved services. AFL-CIO President Sweeney has appointed Mr. McEntee to chair the Executive Council's political action committee.

Mr. Richard Trumka
Secretary Treasurer, AFL-CIO
Washington, D.C.

Mr. Trumka was a coal miner who ran for President of the United Mine Workers at age 33 and won. He is now Secretary-Treasurer of the AFL-CIO. He is a strong proponent of labor law reform. You appointed Mr. Trumka to the Kerrey Entitlement Commission, where he led a spirited defense of social security, medicare, and other federal entitlement programs.

The Honorable Wayne Curry
 Prince George's County Executive
 Upper Marlboro, MD
 He is the highest ranking elected official in Prince George's County and the only African American County Executive in the nation. He is from a large, suburban African American community in Prince George's County, one of the three counties needed to win the state.

The Honorable Tim Davis
 Summit County Executive
 Akron, OH
 Executive Davis is the highest ranking elected official in Summit county, a large suburban county in the northern part of Ohio. He is one of the top vote-getters in Ohio and will be important to the re-election effort in that state. He is also the out-going President of the National Council of Elected County Executives.

The Honorable David Armstrong
 Judge, Jefferson County
 Louisville, KY
 Judge Armstrong was a strong and early Clinton/Gore supporter in '92. He is the highest ranking elected official in Jefferson county and is a former Attorney General of the state. David is an old friend of Mack McLarty and a native of Hope, Arkansas.

The Honorable Dennis Gorski
 Erie County Executive
 Buffalo, NY
 Executive Gorski is the highest ranking elected official in Erie county. He is a strong Clinton/Gore supporter and will be very important to the re-election effort in the state. He was a State Assemblyman for 13 years and was the first Democrat elected to the Executive's office in Erie.



HORWITZ_R 04/15/96 09:37:00 AM

To: Lorraine A. Voles/ [REDACTED], P. Kimberly H Tilley/ [REDACTED], CAPPS_L [REDACTED], E.
 BLINKEN_A [REDACTED], COSTELLO_B [REDACTED],
 BUSHMAN_G [REDACTED], CAMERON_R [REDACTED],
 CAPLAN_P [REDACTED], CAPUTO_L [REDACTED],
 CAREY_P [REDACTED], COHEN_S [REDACTED],
 SOSNIK_D [REDACTED], CRUMLEY_A [REDACTED],
 CURIEL_C [REDACTED], CURRIE_B [REDACTED], Cynthia L.
 Gire [REDACTED], Cynthia L.
 Gire [REDACTED], BALDWIN_K [REDACTED],
 Dennis W. Alper [REDACTED],
 EDWARDS_A [REDACTED], R [REDACTED],
 EMERSON_J [REDACTED], D [REDACTED],
 FINNEY_K [REDACTED], GOLDBERG_J [REDACTED],
 GROTE_S [REDACTED], JORDAN_R [REDACTED],
 HART_J [REDACTED], HERMAN_A [REDACTED],
 HERNREICH_N [REDACTED], Ashley
 Merryman [REDACTED], Holly D.
 Carver [REDACTED], Joseph W.
 Cerrell [REDACTED], Julia M.
 Payne [REDACTED], KING_J [REDACTED], Kris Van
 Giesen [REDACTED], LATTIMORE_G [REDACTED],
 LI_G [REDACTED], MARTINEZ_R [REDACTED],
 MCAFEE_F [REDACTED], MCHUGH_L [REDACTED],
 MCKIERNAN_K [REDACTED], MELLODY_A [REDACTED],
 MOFFETT_L [REDACTED], MOORE_L [REDACTED],
 MUSCATINE_A [REDACTED], OCONNOR_J [REDACTED],
 MASON_J [REDACTED], PRINCE_J [REDACTED],
 QUINN_J [REDACTED], RASCO_C [REDACTED],
 REED_B [REDACTED], REED_P [REDACTED],
 RIVASVZOU_A [REDACTED], SATTERFIEL_L [REDACTED],
 SCHIFF_D [REDACTED], SCOTT_M [REDACTED],
 SILVERMAN_S [REDACTED], SOLIS_P [REDACTED],
 TABERSKI_D [REDACTED], CAPPS_L [REDACTED],
 STERN_T [REDACTED], RODMAN_C [REDACTED], Sally J.
 Aman [REDACTED], Skila S.
 Harris [REDACTED], TERZANO_V [REDACTED],
 [REDACTED], KRISTIE KENNEY [REDACTED],
 [REDACTED], MELISSA BONNEY [REDACTED],
 [REDACTED], TOM O'DONNELL [REDACTED],
 TOIV_B [REDACTED], WALDMAN_M [REDACTED],
 WALKER_A [REDACTED], WALLEY_A [REDACTED],
 WEINSTEIN_P [REDACTED], WEXLER_D [REDACTED],
 YAGER_M [REDACTED], LEWIS_P [REDACTED],
 DAMEO_J [REDACTED], SHIPLEY_D [REDACTED],
 GREEN_J [REDACTED], WILKIE_A [REDACTED],
 KING_A [REDACTED], BENAMI_J [REDACTED],
 COLLINS_D [REDACTED], BURKE_D [REDACTED],
 SPIRITUS_M [REDACTED], ROBINSON_C [REDACTED],
 CAPLAN_P [REDACTED], DORVAL_C [REDACTED],
 LIEBERMAN_E [REDACTED], MATSUI_D [REDACTED],
 RADD_V [REDACTED], NAPLAN_S [REDACTED],
 NAPLAN_S [REDACTED], ORSZAG_J [REDACTED],
 ABERNATHY_P [REDACTED], BEAUBAIRE_D [REDACTED],
 MCGUIRE_A [REDACTED], LEWIS_M [REDACTED],
 GLYNN_M [REDACTED], MORAN_K [REDACTED],
 ORSZAG_P [REDACTED], CRISCI_M [REDACTED],
 MORAN_K [REDACTED]

cc:

Subject: News Calendar

NEWS CALENDAR
WEEKLY EDITION
April 15, 1996

This calendar is issued for internal planning purposes only.

APRIL

MON
4/15 POTUS:
VPOTUS:
EVENTS:

NON-RESPONSIVE
MATERIAL
REDACTED

⚡
MILESTONES:

TUE
4/16 POTUS:
VPOTUS:
EVENTS:

WED
4/17 POTUS:
VPOTUS:

MILESTONES:
EVENTS:

DNC lunch;

THUR
4/18 POTUS:
VPOTUS:

EVENTS:

NON-RESPONSIVE
MATERIAL
REDACTED

FRI
4/19 POTUS:
VPOTUS:
EVENTS:

MILESTONES:

SAT
4/20 POTUS:
VPOTUS:
EVENTS:

BIRTHDAYS:

SUN
4/21 POTUS:
EVENTS:

NON-RESPONSIVE
MATERIAL
REDACTED

BIRTHDAYS:

MON
4/22 VPOTUS:
EVENTS:

TUE
4/23 POTUS:
VPOTUS:
EVENTS:

MILESTONES:

WED
4/24 POTUS:
VPOTUS:
EVENTS:

THUR
4/25 VPOTUS:

EVENTS:

NON-RESPONSIVE
MATERIAL
REDACTED

FRI
4/26 POTUS: DNC Dinner Philadelphia;
VPOTUS: DNC coffee;

EVENTS:

SAT
4/27 POTUS:
VPOTUS:
EVENTS:

SUN
4/28 POTUS: AIPAC Dinner
EVENTS:

MON
4/29 POTUS:
VPOTUS: CA; San Jose dinner, LA lunch
EVENTS:

MILESTONES:

TUE
4/30 POTUS:
VPOTUS:

NON-RESPONSIVE
MATERIAL
REDACTED

EVENTS:

MAY

WED
5/1 POTUS: DNC coffee (T);

VPOTUS:

EVENTS:

THUR
5/2 POTUS:

VPOTUS:

EVENTS:

DNC coffee;

FRI
5/3 VPOTUS:

SAT
5/4 POTUS:
VPOTUS:

EVENTS:

SUN
5/5 EVENT

MILESTONES:

MON
5/6 POTUS:
VPOTUS:
EVENTS:

TUE
5/7 POTUS: DNC Torricelli Dinner NJ
VPOTUS: VP DNC Dinner NAVCBS;

EVENTS:

WED
5/8 POTUS: DNC Gala; Sex club
VPOTUS: DNC
Gala; DNC finance lunch
EVENTS:

THUR
5/9 POTUS:
VPOTUS: NON-RESPONSIVE
EVENTS: MATERIAL
REDACTED

FRI
5/10 POTUS:
VPOTUS:

SAT
5/11 POTUS:

SUN

5/12 POTUS:
VPOTUS:
EVENTS:

MON
5/13 POTUS: 2 DNC dinners;
VPOTUS:

TUE
5/14 POTUS: DNC lunch off complex
VPOTUS:
EVENTS:

WED
5/15 VPOTUS

THUR
5/16 POTUS:

VPOTUS: DNC coffee
EVENTS:

FRI
5/17 POTUS:
VPOTUS:
EVENTS:
MILESTONES:

SAT
5/18 POTUS: NON-RESPONSIVE
VPOTUS: MATERIAL
EVENTS: REDACTED

SUN
5/19 POTUS:
EVENTS:

MON

5/20 POTUS:
DNC lawlich dinner
VPOTUS:
MILESTONES:

TUE
5/21 POTUS: DNC lunch, WH; DNC Coffee
VPOTUS:
EVENTS:
MILESTONES:

WED
5/22 POTUS: Hold
for DNC FR, CT
VPOTUS: MN DNC/Ohio; Cleveland

lunch; Minneapolis dinner

THUR

5/23 POTUS:

VPOTUS:

MILESTONE:

EVENTS:

FRI

5/24 EVENT:

SAT

5/25 POTUS:

EVENTS:

SUN

5/26 VPOTUS:

MILESTONES:

MON

5/27 POTUS:

NON-RESPONSIVE
MATERIAL,
REDACTED

EVENTS:

BIRTHDAYS:

TUE

5/28 POTUS: DNC Coffee (T);

VPOTUS:

EVENTS:

WED

5/29 VPOTUS:

NYC DNC lunch

EVENTS:

THUR

5/30 POTUS:

VPOTUS:

EVENTS:

FRI

5/31 EVENTS:

JUNE

SAT

6/1 POTUS:

VPOTUS:

EVENT:

SUN

6/2 POTUS:

VPOTUS:

MON

6/3 POTUS: Hold for DNC Dinner Houston (T)

VPOTUS:

EVENTS:

TUES

6/4 POTUS:

DNC Dinner NYC (T)

VPOTUS:

EVENTS:

WED

6/5 POTUS:

VPOTUS:

BIRTHDAYS:

THUR

6/6 VPOTUS:

BIRTHDAYS:

NON-RESPONSIVE
MATERIAL
REDACTED

FRI

6/7 VPOTUS:

SAT

6/8 POTUS:

BIRTHDAYS:

EVENTS:

SUN

6/9 POTUS: DNC FR San Francisco (T)

MILESTONES:

MON

6/10 POTUS: DNC travel, Los Angeles (T)

EVENTS:

BIRTHDAYS:

TUES

6/11 VPOTUS:

BIRTHDAYS:

WED

6/12 VPOTUS:

BIRTHDAYS:

THUR

6/13 POTUS:

VPOTUS:

EVENTS:

MILESTONES:

FRI
6/14 POTUS:
VPOTUS:
EVENTS:
MILESTONES:
BIRTHDAYS:

SAT
6/15 VPOTUS:
BIRTHDAYS:

SUN
6/16 POTUS
EVENT: :

BIRTHDAYS:

MON
6/17 POTUS: , DNC FR Lunch Atlanta

TUES
6/18 POTUS:
VPOTUS:
BIRTHDAYS:

NON-RESPONSIVE
MATERIAL
REDACTED

WED
6/19 POTUS:
VPOTUS:

THUR
6/20 POTUS:
VPOTUS:

FRI
6/21 POTUS:
VPOTUS:

BIRTHDAYS:

SAT
6/22 POTUS:

SUN
6/23 POTUS:
VPOTUS:
BIRTHDAYS:

MON
6/24 POTUS:
VPOTUS:
BIRTHDAYS:

TUES
6/25 POTUS:
VPOTUS:

WED
6/26

NON-RESPONSIVE
MATERIAL
REDACTED

THUR
6/27 VPOTUS:
BIRTHDAYS:

FRI
6/28 VPOTUS:
MILESTONES
BIRTHDAYS:

SAT
6/29 VPOTUS:
EVENTS:
BIRTHDAYS:

SUN
6/30

From: Joe Keohan on 05/15/96 06:18 PM

To: Heather M. Marabeti/[REDACTED] Elizabeth J. Cotham/[REDACTED] Joel Velasco/[REDACTED]
cc:

Subject: sched

SCHEDULE FOR VICE PRESIDENT AL GORE
THURSDAY, MAY 16, 1996
DRAFT 9

SCHEDULER: JOE KEOHAN
PHONE:
PAGER:

NON-RESPONSIVE
MATERIAL
REDACTED

146

NON-RESPONSIVE
MATERIAL
REDACTED

5:05 pm 17 attendees
Room 472, OEGB
Staff Contact: David Strauss

E 8837

Event Contact: David Carroll

NON-RESPONSIVE
MATERIAL
REDACTED

NON-RESPONSIVE
MATERIAL
REDACTED





Karen Skelton
05/08/96 04:24 PM


To: Araceli Ruano [REDACTED]
cc:

Subject: Re: Coffees [REDACTED]


Yes, but keep in mind that these people must be justifiable on the basis of what they give us down the line. What is the consequence of our meeting with one person other than that person feeling good?

 Araceli Ruano
05/08/96 05:04 PM

To: Karen Skelton/
cc:

Subject: Re: Coffees 

Yes, I completely understand what the goal is. And because we have this goal we it will take a while to identify such individuals. Gracias.

 Araceli Ruano
05/08/96 02:56 PM

To: Karen Skelton/ [REDACTED]
cc:

Subject: Coffees

Should we start to put together a suggested guest list of grassroots people for a possible coffee w/the wonderful and incredible Al Gore?

To: Heather M. Marabeti/ [REDACTED]
cc:

Subject: VP on Monday

The VP will need to have some cash on hand (Ladon recommended \$20) to offer as an offering at the Buddhist Temple in LA.

Julia M. Payne
04/26/96 03:16 PM

To: 62955104@newsdesk, Sally J. Aman/Ron
Klain/Lorraine A. Voles/Gregory C. Simon/Julia M.
Payne/Peggy C. Wilhite/David M. Strauss/Karen
Skelton/Michael A. Gill/Kumiki S. Gibson/Heidi Kukis/
Dan Pink/Eric L. Schnure/Jonathan Spalter/Ellen L.
Ochs/Dennis W. Alpert/Jim Kohlenberger/Alberta A.
Winkler/P. Thurgood Marshall Jr./Michael B. Feldman/thomas
cc: SILVERMAN_JC

Subject: trip of the vice president to los angeles and san jose, ca on monday, april 29, 1996

**PRESS SCHEDULE
TRIP OF THE VICE PRESIDENT
TO
LOS ANGELES, CA AND SAN JOSE, CA
MONDAY, APRIL 29, 1996**

Editors

Advisory: Not for release or publication Contact: 202-456-7035
For news planning only

All times local

WASHINGTON, DC

7:05 am Air Force II departs Andrews AFB en route Los Angeles, CA
pdt

LOS ANGELES, CA

9:30 am Air Force II arrives Los Angeles International Airport; Remote
pdt Terminal

OPEN PRESS

11:00 am The Vice President will address the annual National Cable
pdt Television Association Convention; Los Angeles Convention Center,
North Hall, 1201 S. Figueroa

OPEN PRESS

12:30 pm The Vice President attends a private luncheon for the Democratic
National Committee; Hsi Lai Temple
CLOSED PRESS

3:00 pm Air Force II departs Los Angeles, CA en route San Jose, CA

NOTE: Media who wish to cover the events in Los Angeles, CA need to contact Dorian Ryan at

113-747-1656.

SAN JOSE, CA

4:10 pm Air Force II arrives San Jose International Airport; ACM Aviation
OPEN PRESS

4:30 pm The Vice President participates in a "beat walk" followed by a
discussion on community policing at the Community Action Committee Meeting;
Olinder Neighborhood, 18th to Williams Streets to Olinder Elementary School
OPEN PRESS

6:30 pm The Vice President attends a private dinner for the Democratic
National Committee; private residence
CLOSED PRESS


8:40 pm Air Force II departs San Jose, CA en route Washington, DC
pdt

NOTE: Media who wish to cover the events in San Jose, CA need to contact Jeff Schulman at
408-437-0343.

WASHINGTON, DC

TUESDAY, APRIL 30, 1996

4:10 am Air Force II arrives Andrews AFB

 Toby Donenfeld
04/28/96 02:50 PM

To: All Staff
cc:

Subject: Schedule for 4/29/96

SCHEDULE for the VICE PRESIDENT
MONDAY, APRIL 29, 1996
FINAL

SCHEDULER: LADAN MANTEGHI
WORK PHONE:
HOME PHONE:
PAGER:

**THE TRIP OF THE VICE PRESIDENT TO
LOS ANGELES AND SAN JOSE, CA**

Los Angeles Advance Team Information:

LEAD:	JOHN LATZ Cell:	
SITE:	Bain Ennis	
SITE:	Sharon Cerell	
PRESS:	Dorian Ryan	NON-RESPONSIVE
MOTORCADE:	Trevor Jones	MATERIAL
Staff Phone:		REDACTED
Press Phone:		
Fax:		

Staff Note: Staff van leaves South Court at 5:45 am.

6:30 am **DEPART RESIDENCE**
En Route: LZ
Drive Time: 00:05:00

Note: Briefing in limo.

6:35 am **MARINE II DEPARTS**
En Route: Andrews Air Force
Flight Time: 00:10:00

Marine II Manifest

The Vice President
 Caren Solomon
 David Strauss
 Heather Marabeti
 Major Houchen
 USSS

6:45 am **ARRIVE ANDREWS AFB**

6:50 am (EST) **AIR FORCE II DEPART ANDREWS AFB**
 En Route: Los Angeles
 Flight Time: 05:25:00 -3 Hours

AF II Manifest

The Vice President
 Caren Solomon
 David Strauss
 Peggy Wilhide
 Heather Marabeti
 Major Houchen
 Captain Chitwood
 Phil Humnicky
 Jack Farrell (Boston Globe)
 3 USSS
 2 WHCA

NON-RESPONSIVE
 MATERIAL

9:15 am (PST) **ARRIVE LOS ANGELES** REDACTED
 Mercury Aviation
 Los Angeles International Airport

Press: Open

9:30 am **DEPART AIRPORT**
 En Route: Los Angeles Convention Center
 Drive Time: 00:30:00

Motorcade Manifest

Lead: Latz
Spare: Solomon, Chitwood
Limo: The Vice President
Control: Strauss, Marabeti, Houchen
Support: Humnicky, Wilhide
Press: Farrell

10:00 am ARRIVE LOS ANGELES CONVENTION CENTER
1201 S. Figueroa
Los Angeles
Staff Contact: Greg Simon
Contact: Barbara York

Greeters:

Ted Turner - Vice Chair, NCTA; President & CEO Turner Broadcasting
Tom Downey - Downey, Chandler & Associates
Mike Berman - The Duberstein Group
Sharon Wyatt - Actress

PROCEED TO HOLD

Staff Note: Staff Hold is Staff Room.

10:00 am **HOLD**
10:05 am VP Hold

10:10 am **NCTA LEADERSHIP RECEIVING LINE**
Meeting Room
Staff Contact: Greg Simon NON-RESPONSIVE
Contact: Decker Anstrom MATERIAL
REDACTED

Press: Closed

Format:

The Vice President informally greets and takes photos in a receiving line with 17 members of the NCTA leadership.

10:25 am **HOLD**
10:30 am

10:35 am **AFRICAN AMERICAN LEADERSHIP MEETING**
Meeting Room
Staff Contact: Karen Skelton

Press: Closed

Format:

The Vice President will participate in an informal, sit-down meeting with 25-30 emerging African American leaders.

11:00 am **HOLD**
 11:05 am

11:10 am **NATIONAL CABLE TELEVISION ASSOCIATION (NCTA)**
 11:55 am **CONVENTION**
 North Hall
 Staff Contact: Greg Simon
 Contact: Barbara York
Press: Open

Format:
 • Brian Roberts, Chairman, NCTA Board and President. Comcast Corporation, introduces The Vice President
 • The Vice President enters Convention Hall and proceeds to podium
 • The Vice President offers remarks
 • The Vice President works ropeline to exit

12:00 pm **DEPART CONVENTION CENTER**
 En Route: Hsi Lai Temple
 Drive Time: 00:35:00

Motorcade Manifest
Lead: Latz
Spare: Solomon, Chitwood
Limo: The Vice President
Control: Strauss, Marabeti, Houchen
Support: Humnicky, Wilhide
Press: Jack Farrell

12:35 pm **ARRIVE HSI LAI TEMPLE**
 3456 South Glenmark Drive
 Hacienda Heights, CA NON-RESPONSIVE
 Contact: John Huang MATERIAL
 Staff Contact: David Strauss REDACTED

Press: Closed

Greeters:
 Venerable Master Hsing Yun
 Ven. Tzu Jung, Abbess of Hsi Lai Temple
 Ven. Tzu Chuang, Former Abbess of Hsi Lai Temple
 Ven. Tzu Hui, Fo Kuang University
 Ven. Man Ho, Assistant to the Abbess
 Ms. Maria Hsia, Interpreter

Cong. Bob Matsui
Don Fowler

PROCEED TO HOLD

Staff Note: **Staff Hold is the Reception Room. There will be lunch in Hold.**

12:40 pm **HOLD/LUNCH**
12:50 pm Visitors' Lounge
12:55 pm **PROCEED TO LUNCHEON**
1:00 pm

Note: **On the way, The Vice President takes a group photo with 70 Venerables of the Temple, then pays homage to the Buddha.**

1:05 pm **RECEIVING LINE**
1:30 pm Temple Dining Hall Annex

Greeter:
State Sen. Art Torres, Chair, California Democratic Party

Press: Closed

Format:
The Vice President takes photos with 150 guests in receiving line.

1:35 pm **DNC ASIAN PACIFIC AMERICAN LEADERSHIP COUNCIL**
1:50 pm **LUNCHEON**
Temple Dining Hall

Press: Closed

Format:
• **The Vice President proceeds to head table**
• Ven. Master Yun offers welcome, introduces Don Fowler
• Don Fowler introduces Cong. Matsui
• Cong. Matsui offers brief remarks, introduces The Vice President
• **The Vice President offers brief remarks from podium.**
• **The Vice President exits**

Note: **During the program, the Ven. Master Yun's remarks only will be interpreted from Chinese to English for the guests. All other remarks in the program will be conducted in English.**

Note: **On the way to departure The Vice President will take a group photo**

1:55 pm **DEPART HSI LAI TEMPLE**
 En Route: Los Angeles International Airport
 Drive Time: 00:50:00

Motorcade Manifest

Lead: Latz
Spare: Solomon, Chitwood
Limo: The Vice President
Control: Strauss, Marabeti, Houchen
Support: Humnicky, Wilhide
Press: Farrell

2:45 pm **ARRIVE AIRPORT**
Press: Open

3:00 pm **AIR FORCE II DEPARTS LOS ANGELES**
 En Route: San Jose
 Flight Time: 01:10:00

AF II Manifest

The Vice President
 Caren Solomon
 David Strauss
 Peggy Wilhide
 Heather Marabeti
 Major Houchen
 Captain Chitwood
 Phil Humnicky
 Jack Farrell (Boston Globe)
 3 USSS
 2 WHCA

SAN JOSE ADVANCE TEAM INFORMATION:

LEAD:	PETER RUZICKA	Cell:
SITE:	Charlie Sciarra	
SITE:	Stephanie Hurst	NON-RESPONSIVE
SITE:	Seth Robinson	MATERIAL REDACTED

PRESS: Jeff Schulman
MOTORCADE: Paul Cusack
Staff Hotel: Red Lion
Staff Phone: NON-RESPONSIVE
Press Phone: MATERIAL
Fax: REDACTED

4:10 pm **AIR FORCE II ARRIVES SAN JOSE**
 ACM Aviation
 San Jose International Airport

Press: Open

Greeters:
 Mayor Susan Hammer
 Cong. Zoe Lofgren
 John Marshall Collins
 Martha Whettstone
 Celia Fischer

4:20 pm **DEPART AIRPORT**
 En Route: Olinder Safe Haven
 Drive Time: 00:15:00

Motorcade Manifest

Lead: Ruzicka
Spare: Solomon, Chitwood
Limo: The Vice President
Control: Strauss, Marabeti, Houchen
Support: Shell, Wilhide
Guest: Hammer, Lofgren, Collins
Press: Farrell

4:35 pm **ARRIVE COMMUNITY POLICING EVENT**
 18th Street
 Staff Contact: Kumiki Gibson

Note: The Vice President will put on lavalier upon arrival.

Greeter:
 Officer Manny Vasquez
 Officer Bryant Washington

Staff Note: Staff Hold is Craft Room #1.

4:40 pm **BEAT WALK**
4:55 pm 18th Street to Williams Street

Press: Open

Format:

Officer Vasquez and Officer Washington will guide The Vice President on a Beat Walk where they will meet 3 sets of residents of the Olinder community, in front of their homes.

5:00 pm **HOLD**
5:05 pm Olinder Theater Office

5:10 pm **COMMUNITY ACTION COMMITTEE MEETING**
5:40 pm Cafeteria
Olinder Safe Haven/Olinder Elementary School
848 Williams Street
San Jose, CA

Greeter:

Phil Reynolds, Olinder Neighborhood Association Board President

Press: Open

Panel Participants:

The Vice President, Cong. Lofgren, Mayor Hammer, and the Olinder Community Action Committee (4 police officers and 7 members of the Neighborhood Board).

Format:

- Board President Phil Reynolds introduces The Vice President
- The Vice President offers brief, informal remarks and presides discussion with panel and neighbors attending the meeting.

5:45 pm **DEPART OLINDER SAFE HAVEN**

Motorcade Manifest

Lead: Ruzicka

Spare: Solomon, Chitwood

Limo: The Vice President

Control: Strauss, Marabeti, Houchen

Support: Humnicky, Wilhide
Guest: Hammer, Lofgren, Collins
Press: Farrell

6:15 pm

ARRIVE MARCUS RESIDENCE

[REDACTED]
 [REDACTED] A

NON-RESPONSIVE
 MATERIAL
 REDACTED

Contact: Maura McManimon
 Mike Marubio

Greeters:

George and Judy Marcus, Phil Hammer, Don Fowler

PROCEED TO HOLD

Staff Note:

Staff Hold is the Study. Dinner will be in Hold.

6:20 pm

HOLD/DINNER

6:30 pm

Den

6:35 pm

STEERING COMMITTEE PHOTOS

6:40 pm

Living Room

Press: Closed

Format:

The Vice President takes four photos with the couples who make up the Steering Committee for the DNC Reception.

6:45 pm

RECEIVING LINE

7:15 pm

Rose Garden

Press: Closed

Format:

• The Vice President takes photos in receiving line with 100-125 guests

7:20 pm

DNC RECEPTION

7:35 pm

Patio

Press: Closed

Format:

• The Vice President takes photos in receiving line with 100-125 guests
 • George Marcus offers brief, informal remarks, introduces Don Fowler
 • Don Fowler introduces Mayor Hammer

- Mayor Hammer offers brief, informal remarks, introduces The Vice President
- The Vice President offers brief informal remarks

7:40 pm **DEPART MARCUS RESIDENCE**
En Route: San Jose International Airport
Drive Time: 00:20:00

Motorcade Manifest

Lead: Ruzicka
Spare: Solomon, Chitwood
Limo: The Vice President
Control: Strauss, Marabeti, Houchen
Support: Humnicky, Wilhide
Guest: Whettstone, Fischer
Press: Farrell

8:00 pm **ARRIVE AIRPORT**

8:05 pm **DEMOCRATIC ACTIVISTS MEET & GREET**
8:25 pm Observation Lounge
Staff Contact: Karen Skelton NON-RESPONSIVE
MATERIAL
Press: Closed REDACTED

Format:

The Vice President takes photos with 15-20 activists and offers brief, informal remarks.

8:30 pm **DEPART LOUNGE**
En Route: Tarmac
Drive Time: 00:05:00

Motorcade Manifest

Lead: Ruzicka
Spare: Solomon, Chitwood
Limo: The Vice President
Control: Strauss, Marabeti, Houchen
Support: Humnicky, Wilhide
Press: Farrell

8:35 pm **ARRIVE TARMAC**

Press: Open

8:50 pm **AIR FORCE II DEPARTS SAN JOSE**
 En Route: Andrews AFB
 Flight Time: 4:30:00 +3 Hours

AF II Manifest
 The Vice President
 Caren Solomon
 David Strauss
 Peggy Wilhide
 Heather Marabeti
 Major Houchen
 Captain Chitwood
 Phil Humnicky
 Jack Farrell
 3 USSS
 2 WHCA

4:20 am **ARRIVE ANDREWS AFB**

4:25 am **MOTORCADE DEPARTS**
 En Route: NAVOBS
 Drive Time: 00:30:00

Motorcade Manifest
 Spare: Solomon, Chitwood
 Limo: The Vice President
 Control: Strauss, Marabeti, Houchen
 Support: Humnicky, Wilhide

4:55 am **ARRIVE NAVOBS**


AGJ/MEG RON NAVOBS

THE SCHEDULE OF THE PRESIDENT FOR MONDAY, APRIL 29, 1996

The President will be in Miami, FL

6:50	am	Depart White House
7:25	am	AF I Departs Andrews
9:35	am	Arrive Miami
9:50	am	Depart Airport
10:10	am	Arrive George Washington Carver Middle School
10:20-11:20	am	Announcement of 1996 National Drug Control Strategy
11:30	am	Depart Middle School
11:45	am	Arrive Biltmore Hotel
11:50am-5:00pm		Down Time
5:05-5:15	pm	Briefing
5:20-5:55	pm	Meeting on Everglades Restoration
6:00-6:10	pm	Meet & Greet with DNC Dinner Sponsors
6:15-7:00	pm	DNC Reception
7:10-8:20	pm	DNC Dinner
8:45	pm	Depart Hotel
9:00	pm	Arrive Private Residence
9:05-10:15	pm	DNC Dinner
10:25	pm	Depart Residence
10:40	pm	Arrive Airport
10:55	pm	AF I Departs Miami, FL
1:00	am	Arrive Andrews AFB
1:25	am	Arrive White House

BC/HRC RON THE WHITE HOUSE

 Jackie A Dycke
05/10/96 07:39 PM

To: Schedules
cc: Toby Donenfeld/[REDACTED], Elizabeth J. Cothran/[REDACTED]

Subject: VP FINAL FOR MONDAY, MAY 13, 1996

**SCHEDULE for VICE PRESIDENT AL GORE
MONDAY, MAY 13, 1996
FINAL**

**SCHEDULER: JACKIE DYCKE
PHONE:
PAGER:**

NOTE: The President has a Coffee from 9:00 am - 10:15 am


NON-RESPONSIVE
MATERIAL
REDACTED


NON-RESPONSIVE
MATERIAL,
REDACTED

NON-RESPONSIVE
MATERIAL
REDACTED

NOTE: The President has two DNC Dinners this evening from
7:05 pm - 9:45 pm.


E 8800


 Karen Skelton
04/22/96 11:16 PM


To: Ellen L. Ochs/
cc:

Subject: Coffee list

John Donahue mentioned today in the scheduling meeting that he would get me a "coffee list" for the VP's meeting next week. Haven't you been overseeing these? If not, I will take a look. If so, I would not mind taking a look.

 Karen Skelton
04/23/96 01:55 PM

To: Ellen L. Ochs 
cc:

Subject: Re: Coffee list 

I do not remember asking, but I may have. These are FR coffees right? Your tossing me a copy of the list is fine whenever you get it.

Karen

From: Kristin A. Schneeman on 05/07/96 01:36 PM
To: Gregory C. Simon
Cc:

While You Were Out

Contact:

Susan Thomases, no msg -

of:

Phone:

FAX:

- | | |
|--|--|
| <input type="checkbox"/> Telephoned | <input type="checkbox"/> Will Return |
| <input type="checkbox"/> Please Call | <input type="checkbox"/> Left Package |
| <input type="checkbox"/> Will Call Again | <input type="checkbox"/> Please See Me |
| <input type="checkbox"/> Returned Call | <input type="checkbox"/> Urgent |
| <input type="checkbox"/> Was In | |

NON-RESPONSIVE
MATERIAL
REDACTED

Message:



1200 Nineteenth Street, N.W.
Washington, D.C. 20036-2412
www.piperrudnick.com

PHONE (202) 861-3900
FAX (202) 223-2085

SHELDON KRANTZ

sheldon.krantz@piperrudnick.com
PHONE (202) 223-2085
FAX (202) 223-2085

September 14, 2000

HAND DELIVERY

James C. Wilson, Esq.
Chief Counsel
Committee on Government Reform
House of Representatives
2157 Rayburn Office Building
Washington, D.C. 20515

Re: Response to September 7, 2000
Subpoena to Earl J. Silbert, Esq.

Dear Mr. Wilson:

This letter and enclosures are being submitted in response to the House Committee on Government Reform's Subpoena Duces Tecum issued to Earl J. Silbert, Esq. I represent Mr. Silbert in conjunction with all matters relating to the subpoena and any correspondence and future inquiries should be directed to me.

The subpoena makes two requests: 1) all billing records reflecting work performed by Mr. Silbert on behalf of the Northrop Grumman Corporation, or any individual employed by the Northrop Grumman Corporation, between May 1998 and January 1999; and 2) any records relating to communications between Mr. Silbert and Charles F.C. Ruff between May 1998 and January 1999. We assume for the purposes of this response that the request for communications between Mr. Silbert and Mr. Ruff are those relating to Mr. Silbert's representation of the Northrop Grumman Corporation or any individual employed by Northrop Grumman.



CHICAGO | BALTIMORE | WASHINGTON | NEW YORK | PHILADELPHIA | TAMPA | DALLAS | RESTON



ATTORNEY-CLIENT PRIVILEGED
ATTORNEY WORK PRODUCT

James C. Wilson, Esq.
Page 2

1. Billing Records Relating to Mr. Silbert's Representation of Northrop Grumman Corporation Between May 1998 and January 1999.

Certain aspects of a billing record, more specifically, information on such records that describes the nature of work being performed, is protected by the attorney-client privilege. What we are willing to provide in response to the subpoena is the non-privileged information contained on the billing records along with a privilege log that briefly describes the items which are protected by the privilege. We have thus redacted the descriptions of the tasks being performed and have attached a privilege log relating to this information.

You will note in reviewing the attached billing records that all of the services rendered by Mr. Silbert were performed during a limited time period, September, October, and December 1998; that the total fees were \$1,796.25; and that the total time Mr. Silbert devoted to the representation was 4.75 hours. As will also be seen in the privilege logs, 4.0 hours of this time was devoted to conversations with Northrop Grumman counsel, and another .25 was spent in document review. The remaining .50 relates to two conversations with White House counsel, each for .25. It should be noted that .25 is Mr. Silbert's minimum billing time period and could cover a brief time sequence. It is therefore possible, therefore, that each of these conversations was for a far shorter time period.

2. Records of Communications Between Mr. Silbert and Mr. Ruff Relating to Mr. Silbert's Representation of Northrop Grumman During the Time Period in Question.

With reference to your second records request, communications with Mr. Ruff, there are no records reflecting that any communications occurred between Mr. Silbert and Mr. Ruff relating to the Northrop Grumman matter during the time period when Mr. Silbert was representing Northrop Grumman.



ATTORNEY-CLIENT PRIVILEGED
ATTORNEY WORK PRODUCT

James C. Wilson, Esq.
Page 3

Please let me know if you have any questions with reference to this production in response to the Committee's September 7, 2000 subpoena to Mr. Silbert.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sheldon Krantz', written over the word 'Sincerely,'.

Sheldon Krantz

/sk
Enclosures



ATTORNEY-CLIENT PRIVILEGED
ATTORNEY WORK PRODUCT

James C. Wilson, Esq.
Page 4

PRIVILEGE LOG FOR PRIVILEGED COMMUNICATIONS
CONTAINED ON MR. SILBERT'S BILLING RECORDS
RELATING TO HIS REPRESENTATION OF NORTHROP GRUMMAN
DURING SEPTEMBER, OCTOBER AND DECEMBER 1998

November 19, 1998 Invoice		
09/15/98	teleconference with Northrop Grumman counsel	.25
09/22/98	teleconference with Northrop Grumman counsel	.50
09/28/98	teleconference with White House counsel	.25
10/09/98	teleconference with Northrop Grumman counsel	.25
January 27, 1999 Invoice		
12/15/98	teleconference with Northrop Grumman counsel	.50
12/30/98	teleconference with White House counsel	.25
March 31, 1999 Invoice		
09/11/98	teleconferences with Northrop Grumman counsel and Northrop employee	1.25
09/11/98	teleconference with Northrop Grumman employees	.75
09/12/98	document review	.25
09/12/98	teleconference with Northrop Grumman counsel	.50

PIPER & MARBURY
 L.L.P.
 1200 NINETEENTH STREET, N.W.
 WASHINGTON, D.C. 20036-2430
 202-661-3900
 FAX 202-223-2085

PRIVILEGED AND CONFIDENTIAL

Logicon, Inc.
 A Northrop Grumman Company
 Attn: Ralph K. Pope, Div. Cnsl.
 2411 Dulles Corner Park, #800
 Herndon, VA 20171

November 19, 1998
 Invoice #498281

For professional services rendered through October 31, 1998

Advice to Logicon re: Executive Office
 of the President Contract

		<u>Hours</u>
09/15/98	E. Silbert	.25
09/22/98	E. Silbert	.50
09/28/98	E. Silbert	.25
10/09/98	E. Silbert	.25
Total Hours		1.25
Total Fees		\$468.75

TIME KEEPER SUMMARY

<u>TIMEKEEPER</u>	<u>TITLE</u>	<u>HOURS</u>	<u>RATE</u>	<u>FEEs</u>
E. Silbert	Partner	1.25	375.00	468.75
TOTALS		1.25		468.75

Total Current Charges	\$468.75
Total Amount Due This Invoice	\$468.75

178

PIPER & MARBURY
L.L.P.

1200 NINETEENTH STREET, N.W.
WASHINGTON, D.C. 20036-2430
202-861-3900
FAX 202-223-2085

REC-10 [REDACTED]

*** R E M I T T A N C E P A G E ***

Logicon, Inc.
A Northrop Grumman Company
Attn: Ralph K. Pope, Div. Cnsl.
2411 Dulles Corner Park, #800
Herndon, VA 20171

November 19, 1998
Invoice # 498281

Contract Advice
28620-000001

Total Fees	\$468.75
Total Amount Due This Invoice	\$468.75
Total Account Balance	\$468.75

NET DUE UPON RECEIPT

PLEASE REMIT TO: PIPER & MARBURY L.L.P.
P.O. BOX 75190
BALTIMORE, MD 21275

PIPER & MARBURY
L.L.P.

1200 NINETEENTH STREET, N.W.
WASHINGTON, D.C. 20036-2430
202-861-3900
FAX 202-223-2085

FEB 1 1999

FED ID

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Logicon, Inc.
A Northrop Grumman Company
Attn: Ralph K. Pope, Div. Cnsl.
2411 Dulles Corner Park, #800
Herndon, VA 20171

January 27, 1999
Invoice #506919

For professional services rendered through December 31, 1998

Advice to Logicon re: Executive Office
of the President Contract

		<u>Hours</u>
12/15/98	E. Silbert	.50
12/30/98	E. Silbert	.25
Total Hours		.75
Total Fees		\$296.25

T I M E K E E P E R S U M M A R Y

<u>TIMEKEEPER</u>	<u>TITLE</u>	<u>HOURS</u>	<u>RATE</u>	<u>FEES</u>
E. Silbert	Partner	.75	395.00	296.25
TOTALS		.75		296.25

Disbursements and Other Charges:

Duplicating	.40
Total Disbursements and Other Charges	\$.40
Total Current Charges	\$296.65
Total Amount Due This Invoice	\$296.65

PIPER & MARBURY
L.L.P.

1200 NINETEENTH STREET, N.W.
WASHINGTON, D.C. 20036-2430
202-861-3900
FAX 202-223-2085

FED. ID [REDACTED]

*** REMITTANCE PAGE ***

Logicon, Inc.
A Northrop Grumman Company
Attn: Ralph K. Pope, Div. Cnsl.
2411 Dulles Corner Park, #800
Herndon, VA 20171

January 27, 1999
Invoice # 506919

Contract Advice
28620-000001

Total Fees	\$296.25
Total Disbursements and Other Charges	\$.40
Total Amount Due This Invoice	\$296.65

Unpaid Invoice Summary:

Invoice Date	Invoice Number	Invoice Amount	Payments	Balance
11/19/98	498281	\$468.75	\$.00	\$468.75

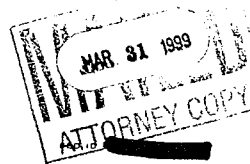
Unpaid From Prior Invoices \$468.75

Total Account Balance \$765.40

NET DUE UPON RECEIPT

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P.O. BOX 75190
BALTIMORE, MD 21275

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1200 NINETEENTH STREET, N.W.
WASHINGTON, D.C. 20036-2430
202-861-3900
FAX 202-223-2085



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Logicon, Inc.
A Northrop Grumman Company
Attn: Ralph K. Pope, Div. Cnsl.
2411 Dulles Corner Park, #800
Herndon, VA 20171

March 31, 1999
Invoice #515621

For professional services rendered through February 28, 1999

Advice to Logicon re: Executive Office
of the President Contract
(EOP Contract)
Case #98232

		<u>Hours</u>
09/11/98	E. Silbert	1.25
09/11/98	E. Silbert	.75
09/12/98	E. Silbert	.25
09/12/98	E. Silbert	.50
Total Hours		2.75
Total Fees		\$1,031.25

TIMEKEEPER SUMMARY

TIMEKEEPER	TITLE	HOURS	RATE	FEES
E. Silbert	Partner	2.75	375.00	1,031.25
TOTALS		2.75		1,031.25

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L.L.P.
1200 NINETEENTH STREET, N.W.
WASHINGTON, D.C. 20036-2430
202-861-3900
FAX 202-223-2085

FED 10

Logicon, Inc.
28620-000001
Invoice #515621

Page 2

Disbursements and Other Charges:

Duplicating	.60
Total Disbursements and Other Charges	\$.60
Total Current Charges	\$1,031.85
Total Amount Due This Invoice	\$1,031.85

PIPER & MARBURY
L.L.P.
1200 NINETEENTH STREET, N.W.
WASHINGTON, D.C. 20036-2430
202-861-3900
FAX 202-223-2085

*** REMITTANCE PAGE ***

Logicon, Inc.
A Northrop Grumman Company
Attn: Ralph K. Pope, Div. Cnsl.
2411 Dulles Corner Park, #800
Herndon, VA 20171

March 31, 1999
Invoice # 515621

Contract Advice-(EOP Contract)
Case #98232
28620-000001

Total Fees	\$1,031.25
Total Disbursements and Other Charges	\$.60
Total Amount Due This Invoice	\$1,031.85

Unpaid Invoice Summary:

Invoice Date	Invoice Number	Invoice Amount	Payments/ Adjustments	Balance
01/27/99	506919	\$296.65	\$.00	\$296.65

Unpaid From Prior Invoices \$296.65

Total Account Balance \$1,328.50

NET DUE UPON RECEIPT

PLEASE REMIT TO: PIPER & MARBURY L.L.P.
P.O. BOX 75190
BALTIMORE, MD 21275

Kimberly H Tilley
03/18/97 10:30 AM

To: Karen E. Skelton/[REDACTED] DP
cc:
Subject: Re: Craig requests [REDACTED]

Howdy --

3. My understanding is the requests are all on hold pending the revised paper. I'm not sure what I'm supposed to give a date for at this point. Please advise.

karen E. Skelton [REDACTED]
03/18/97 10:09 AM

To: Kimberly H Tilley/OVP
cc:
Subject: Craig requests

Hello Kimmy:


In our morning meeting, Craig asked if I would follow up on the following couple of issues.

3) One FR date before 2pm today
There's a DNC budget meeting at 2 today. If we had one VP date for a FR in April or May, it would help relieve tensions. RK says the VP agrees to do DNC FR under the following rules: 1)big, not small, events, 2)mixed soft and hard money, 3)start off slow, and 4)not Boston's event.

REDACTED



EOP 056505

 Karen E. Skelton @ EOP
03/18/97 04:06 PM

To: Kimberly H Tilley [REDACTED]
cc:
Subject: FR information

Grossman and Dutko say that their top priorities for the VP are for him to attend a 100 person event in either Chicago or Miami before July 1. I think these are \$10,000/couple and less.

Each event would be a mixed hard and soft event.

Off the top of my head, if we decide to recommend Ill. to the VP, the trip might look like this:

night 1: fly into Chicago, do the 100 person event.
day 2: full day in Chicago with Mayor Daley. All public events
day 2: fly with Mayor Daley and others to Springfield for the Illinois JJ. Do something public in Springfield.

The questions on the FR are:
1) is 100 too small?
2) is Chicago a "safe" market?
3) is Miami a "safe" market?

EOP 056506

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: John B. Emerson ([REDACTED]) (WHO)

CREATION DATE/TIME: 24-APR-1996 16:01:58.56

SUBJECT: RE: The VP

TO: bill

(bill [REDACTED])

READ: NOT READ

TEXT:

LA--Natl. Cable Assn. Speech Monday mid-morning, at LA Conv. Center; DNC funder for lunch; then to San Jose for TV workshop event and funder; red-eye home.

EOP 062313



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DEBRA W. SANDERS, VERMONT
INDEPENDENT

September 18, 2000

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

Re: Campaign Financing Task Force

Dear General Reno:

I am writing to inquire regarding staffing levels on the Justice Department's investigation of the White House's failure to produce e-mails in response to subpoenas issued by the Justice Department, offices of independent counsel, and Congress. Please provide the following information:

- The number of attorneys who have worked on the investigation since its inception.
- The largest number of attorneys working on the investigation at any one time.
- The number of attorneys currently working on the investigation.

Please provide a response by September 21, 2000.

Sincerely,


Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member



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HAROLD E. FORD, JR., TENNESSEE
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BERNARD SANDERS, VERMONT,
INDEPENDENT

September 26, 2000

The Honorable Royce Lamberth
United States District Judge
United States District Court for the District of Columbia
333 Constitution Avenue, N.W.
Washington, D.C. 20001

Re: Earl Silbert's Involvement in the E-Mail Matter

Dear Judge Lamberth:

As part of its ongoing investigation of the White House's failure to search all e-mail messages in response to Committee subpoenas, the Committee on Government Reform recently examined the role of Earl Silbert in the e-mail matter. The Committee has learned significant information that is relevant to your decisionmaking in the *Alexander* case currently before the Court. The information relating to Silbert provides further evidence that the White House knew of the e-mail problems, but decided not to inform Congress, independent counsels, or your Court. In addition, the information recently received by the Committee indicates that counsel for Northrop Grumman may have misled the Court.

As you know from evidence presented before the Court, Northrop Grumman Corporation hired Earl Silbert as an outside counsel in September 1998. It appears that Northrop Grumman hired Silbert after several Northrop Grumman employees came to the company saying that they had discovered a problem with the White House e-mail, and had been threatened into keeping the problem a secret. Silbert had a teleconference with Northrop Grumman counsel and a Northrop Grumman employee on September 11,

1998.¹ He then had telephone calls with Northrop Grumman counsel on September 12, September 15, and September 22.

After this series of contacts with Northrop Grumman counsel, on September 28, Silbert contacted the White House Counsel's Office. This was discovered when the Committee subpoenaed Silbert's billing records. When interviewed by the Committee, Silbert stated that he did not have any independent recollection of the September 28, 1998, call to the White House. He could not recall the identity of the White House staffer with whom he spoke, or the subject matter of his discussions with White House staff.² However, it is clear from the billing records that Silbert's contacts with the White House did relate to his representation of Northrop Grumman in the e-mail matter. The timing of Silbert's call strongly suggests that it was made as a result of Northrop Grumman management being informed about the White House e-mail problem, and the fact that White House staff were threatening Northrop Grumman personnel.

After the September 28, 1998, call to the White House, Silbert had contacts with Northrop Grumman counsel on October 9, 1998, and December 15, 1998. After those contacts, on December 30, 1998, Silbert made another call to the White House Counsel's Office. Yet again, when interviewed by Committee staff, Silbert could not recall the identity of the White House lawyer with whom he spoke, or the subject matter of the telephone call. The timing of this telephone call suggests that it may have been related to the publication of news regarding the e-mail problem in *Insight Magazine*. The *Insight* story was first circulated on December 4, 1998, and documents indicate that the article came to the attention of Northrop Grumman personnel by December 9, 1998.

The significance of Silbert's contacts with the White House is obvious. Charles Ruff and Cheryl Mills have claimed that they failed to understand fully the e-mail problem, and that this lack of understanding resulted in their failure to properly address the problem in 1998. Leaving aside the substantial difficulties in believing the claims by Ruff or Mills, their claims hinge upon the assumption that they were told about the problem only once, by Mark Lindsay, in June 1998. However, if the White House Counsel's Office was told about the e-mail problem by Earl Silbert in September 1998, and again in December 1998, the White House claims of a "disconnect" become much more difficult to believe. If Silbert told the White House about the e-mail problem at the same time that he told them about the threats suffered by Northrop Grumman employees, it becomes impossible to believe that the White House engaged in anything short of obstruction of justice.³

¹ Silbert has declined to identify the Northrop Grumman employee with whom he spoke, citing the attorney work product doctrine. However, the testimony of Robert Haas before the Court on August 14, 2000, strongly suggests that Haas spoke with Silbert. In that testimony, Haas stated that he spoke with outside counsel, referred to as the "graybeard." Haas told the outside counsel about the threats he had encountered, as well as his concerns regarding the legal ramifications of the e-mail problem.

² The testimony of Mark Lindsay before the Court on August 23, 2000, suggests that Silbert may have called Larry Breuer, the White House Special Counsel in charge of investigative matters. Silbert confirmed to the Committee that he knows Breuer, and has had contact with him in the past.

³ Charles Ruff, Mark Lindsay, and Cheryl Mills have all stated that they never heard any allegation that the Northrop Grumman employees had been threatened until press accounts surfaced in February 2000.

The revelations in the Silbert billing records also cast new light on several representations made by Northrop Grumman counsel to the Court in the *Alexander* case. On June 16, 2000, Larry Klayman, counsel for the plaintiffs, was discussing Silbert's contacts with the White House, and certain representations were made by Richard Oparil, counsel for Northrop Grumman, which created the impression that there had not been any contact between Earl Silbert and the White House with respect to the e-mail matter:

Mr. Klayman: Well, he said – let me answer. He said there are no written documents. But there should have been oral communications at a minimum over this issue. So we want to be able to get the actual telephone records showing the calls.

Mr. Oparil: Your Honor, let me also speak to that.

Mr. Klayman: Or, and let me just finish. Or, for instance, if there are calls coming back, telephone pad records, you know, call sheets, or anything like that. I got a call from Charles Ruff or whatever.

Mr. Oparil: My – I spoke with Mr. Silbert about this, and he has no recollection of speaking to Mr. Ruff or anybody else in the White House counsel's office, again, about these alleged threats. So we don't believe that there were any oral communications.

Mr. Klayman: Right. And one last point if I may. What Mr. Oparil just said, unless he misspoke, was that there was no communication with White House counsel. But there may have been communication with others in the White House.

The Court: By your firm?


Mr. Oparil: By our firm, nothing.

It is difficult to believe that in searching Piper Marbury's documents for evidence of telephone communications between Silbert and the White House, that Oparil did not review Silbert's billing records. The firm's billing records provide the most obvious source of corroboration of telephone calls, and are presumably easily searched. Indeed, Oparil told the Court that he had "looked through literally every single piece of paper in Piper Marbury's files." Accordingly, one must conclude that he was aware of Silbert's billing records, and intentionally misled the Court in stating that there had not been any contacts between Silbert and the White House regarding the e-mail matter.

I know that you have had concerns about the failure of certain witnesses and counsel in the *Alexander* case to be honest and forthright with the Court. I have had

similar concerns throughout the Committee's e-mail investigation. I hope that the Court will take these issues into account in deciding how to manage the reconstruction of e-mails by the White House.

Sincerely,


Dan Burton
Chairman

cc: The Honorable Henry Waxman, Ranking Minority Member
The Honorable Louis Freeh
The Honorable Janet Reno
Independent Counsel Robert Ray
Independent Counsel Ralph Lancaster
Independent Counsel Donald Smaltz
Independent Counsel David Barrett
Independent Counsel Carol Elder Bruce
Independent Counsel Curtis Von Kann
Senator John Danforth

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HAROLD E. FORD, JR., TENNESSEE
JANICE D. SCHAYOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

September 25, 2000

Beth Nolan
Counsel to the President
The White House
Washington, D.C. 20500

Dear Ms. Nolan:

The White House has not provided this Committee answers to relatively simple questions. Generally speaking, it takes weeks or months to obtain answers to questions that could be answered easily in days. This is not the "mutual accommodation" that should exist. For example, it took an inordinate amount of time for the Committee to find out that the last time the Justice Department had the original videotape of the December 15, 1995, White House coffee was in October of 1997. Similarly, the Committee still has not been given a straight answer to a relatively simple question about a document describing corrupt practices by Viktor Chernomyrdin. Furthermore, your promise to keep the Committee fully informed of developments in the White House e-mail reconstruction efforts was not honored. Nevertheless, your letter of September 23, 2000, provides a point of departure for deliberations regarding the hearing scheduled for September 26, 2000.

The questions posed in this letter are an earnest effort to achieve a compromise. They are questions that can be answered relatively easily, and the Committee will make a good faith effort to consider your answers prior to the scheduled hearing. If you provide satisfactory written answers to the following questions, there will be no need to have you testify. The areas of interest to the Committee have been arranged into specific categories, and the questions are provided under these categories.

E-Mail Produced by the White House Counsel's Office on Friday, September 22, 2000

1. Were all of the e-mails produced to the Committee on September 22, 2000, produced to the White House at the same time? If so, when? If they were not produced at the same time, please answer the following:
 - (a) When did the White House receive the first copy of any of the e-mails that were produced to the Committee on Friday, September 22, 2000?

- (b) When did the White House receive the last copy of any of the e-mails that were produced to the White House on September 22, 2000?
- 2. Do you know of any reason why the Attorney General would not have had access by August 23, 2000, to all of the e-mails produced to this Committee on September 22, 2000?
- 3. E-Mail E 8813 has the following communication between three members of the Office of the Vice President: "the DNC is requesting the VP host four coffees to spread throughout the months of May and June. I was misinformed that these could happen in the White House; turns out they need to be at NavObs."
 - (a) Do you know who "misinformed" Kimberley H. Tilley that the coffees could take place in the White House? If the answer is yes, please tell the Committee who that person was. If you do not, please make an effort to find out who that person was.
 - (b) Why did Ms. Tilley come to the belief that the coffees could not be held in the White House?
 - (c) Why did the coffees "need to be at NavObs?"
- 4. Has Araceli Ruano been interviewed by the Department of Justice at any time in the last four years? (A yes or no answer will suffice.)
- 5. Has Karen Skelton been interviewed by the Department of Justice at any time in the last four years? (A yes or no answer will suffice.)

Transition Plan for the E-Mail Recovery and Production

- 1. Do you think you and your staff will be able to complete production of responsive e-mail to this Committee before a new Administration moves into the White House?
- 2. What steps have been taken by you and your office to provide for recovery and review of e-mails after a new Administration moves into the White House?
- 3. What plan do you currently have in place to review e-mails and to provide responsive e-mails to Congress after a new Administration moves into the White House?
- 4. Have you rejected the suggestion that a special master should be appointed to take charge of reviewing e-mail and producing responsive e-mail to Congress?
- 5. If you have rejected this suggestion, why?

The "Eskew Request" E-Mail

1. One of the e-mails recently produced to the Committee (E 8701) is addressed to the Vice President. Options are laid out, and one is: "Give Carter [Eskew] your special e-mail address that Michael Gill had set-up earlier[.]" Did this happen?
2. Was the Vice President's "special e-mail" account maintained on the OVP server? Was that account ARMS-managed?
3. This e-mail suggests that "the only way not to have your e-mails backed up on government computers would be to get a Clinton/Gore computer in your office and set it up for private e-mails." Were any such computers set up in any Executive Office of the President office?
4. If such computers were maintained in the EOP, were they searched by the White House in response to Committee subpoenas?

The Chernomyrdin Document Subpoena

During a telephone conversation with my Chief Counsel, you expressed concern that the Committee's subpoena for a CIA document discussing corrupt practices by Viktor Chernomyrdin was inappropriate. The Committee is interested in the document subpoenaed for two reasons: (1) in FY 1998 (the last year for which figures are available) Congress appropriated \$26.7 billion for intelligence spending and it is a matter of importance whether the information obtained by the CIA is of any consequence to the Executive; and (2) if a document did exist, and it was destroyed, and the White House Counsel's Office was aware that it was destroyed and took pains to conceal the destruction from Congress, it is relevant to whether the Committee can have confidence that other documents have not been destroyed.

1. The CIA has gathered five documents potentially responsive to the Committee's subpoena of July 28, 2000. On Meet the Press, the Vice President referred to a specific report regarding Russian Prime Minister Viktor Chernomyrdin. At that time, he denied that he made any annotations on the report. Has the White House Counsel's office ever asked the Vice President which report he was referring to during his Meet the Press appearance? If not, why not?
2. The Committee has asked whether there ever existed a version of the report referred to by the Vice President with a handwritten notation. Has any White House employee or any CIA employee ever indicated that such an annotated document ever existed?
3. Was there ever a document prepared by the CIA that discusses Chernomyrdin's involvement in corrupt endeavors and that contained such an annotation?

4. Has every employee who has been interviewed about this matter denied that there ever was a handwritten notation on any copy of the document referred to by Vice President Gore in his Meet the Press interview?
5. The CIA is refusing to allow the Committee access to two of the five potentially responsive records it has located. Is the White House claiming privilege over these two documents?

If you have any questions about any of the above queries, please do not hesitate to call my Chief Counsel.

Sincerely,

A handwritten signature in black ink that reads "Dan Burton". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Dan Burton
Chairman

Mr. BURTON. I also ask unanimous consent that questioning in the matter under consideration proceed under clause 2(j)2 of House rule 11 and committee rule 14, in which the chairman and ranking minority member allocate time to committee counsel as they deem appropriate for extended questioning, not to exceed 60 minutes divided equally between the majority and minority and without objection, so ordered.

Seven months ago—and I'd like to say to my colleague Mr. Waxman, this is a little bit lengthy, this opening statement, but I think it's necessary in order to cover everything. So we'll allow you whatever time you need.

[The prepared statement of Hon. Dan Burton follows:]

OPENING STATEMENT OF
CHAIRMAN DAN BURTON
COMMITTEE ON GOVERNMENT REFORM
SEPTEMBER 26, 2000

Good afternoon.

Seven months ago, The Washington Times reported that the White House covered up a problem with their e-mail records for over two years. As a result of the White House cover-up, information was kept from this Committee. Not just this Committee, but other Committees of Congress, the Justice Department, and various independent counsels.

In March, we had a number of witnesses who worked on the e-mail system testify. Some told us they were threatened. One was told there was a "jail cell with his name on it" if he talked to anyone about the problem. Another said that she would rather be fired than go to jail for telling her own boss what she was working on. Employees were told they couldn't write things down. Notes of meetings were confiscated. People had to talk about the e-mail problem in a park or a Starbucks near their office.

The problem was brought to the attention of high level political appointees. The Office of Administration General Counsel was informed. An Assistant to the President was told about the problem. The President's Deputy Chief of Staff – one of his main scandal managers – was brought into the loop. The Counsel to the President was even briefed.

And then . . . nothing happened for months. The main problem never got fixed. Congress was never told. The Justice Department wasn't told. The various independent counsels weren't told.

When we subpoenaed documents, we found out that the lower level employees were begging for help. But they couldn't get any direction from their bosses in the White House. The problem was covered up. Nearly two years went by before the White House Counsel told us that they hadn't complied with Committee subpoenas. Even after the first newspaper article about the problem appeared, the Counsel to the President didn't let on there was a problem. The only reason they ever informed us was because we started interviewing people and finding out how extensive the problem is. Even now, after the first batch of reconstructed e-mails was produced late last Friday, the White House is spinning and stalling.

We all make mistakes. But week in and week out, this Administration and its leaders look the public in the eye and make things up.

I called today's hearing because the cover-up mentality in the White House Counsel's office and the Department of Justice hasn't changed. We needed to get answers to important questions and we were getting the run around. The Administration is trying to run out the clock. We can't get the White House to answer simple questions. We can't get the Justice Department to answer simple questions. I didn't really want to have a hearing today – but, as usual, we can't get anyone to answer even the simplest of questions unless I notice a hearing and send out subpoenas. Then we start to get a little bit of movement. I shouldn't have to subpoena witnesses to get them to answer simple questions. It really is disappointing. At least none of the e-mail witnesses have fled the country like so many in the campaign finance investigation. Yet.

Earl Silbert

Before we get to Mr. Gershel, I want to talk about two witnesses who had to be subpoenaed before they would cooperate – White House Counsel Beth Nolan and Washington lawyer Earl Silbert. Yesterday Mr. Silbert came in for an interview, and today Ms. Nolan promised to provide written answers to our questions. So I have postponed their appearances. But I do want to tell you why they were subpoenaed and what we have learned.

Mr. Silbert is a highly respected Washington lawyer. He is a former U. S. Attorney. He was a Watergate prosecutor. He was James Riady's lawyer. He represented President Clinton's former Chief of Staff Erskine Bowles during the Monica Lewinsky matter. He also represented Vice President Gore's friend Peter Knight during a Congressional investigation. His clients have many reasons to be worried about what will come out when all the White House e-mails are reconstructed. Which makes him a strange choice to represent the employees that were begging for help and telling their bosses that the White House was breaking the law by hiding the e-mails.

Mr. Silbert came to the Committee's attention because he was hired by Northrop Grumman after their employees were threatened. Until a week ago, when we got his law

firm billing records, no one knew exactly what Mr. Silbert did for Northrop Grumman. His faulty memory, and the refusal of his employer to waive attorney-client privilege mean that we still don't know everything. But we do know an awful lot more.

When we first asked Mr. Silbert to come in for an interview, he point-blank refused. So I had to issue a subpoena. Yesterday he finally made himself available for an interview. This is what we learned.

A couple of months after they were first threatened, three Northrop Grumman employees asked for a meeting with a company lawyer. This was an extraordinary meeting. The employees had never had one like it. They explained the problems they faced. They talked about the threats. They explained they were told not to write anything down. They told company lawyers that they thought a quick reconstruction of the e-mails was required by law. And the company did something. They hired a high-priced Washington fixer. Someone who was friendly with White House Counsel Chuck Ruff, and who knew the scandal minders in the White House, Cheryl Mills and Lanny Breuer.

Earl Silbert went to work. He talked to lawyers, he talked to one of the employees, and then he called the White House. I'll put the chronology up on the screen.

09/09/98	Northrop Grumman lawyer Joseph Lucente meets with Golas, Haas, Spriggs. They tell him about threats, express concern about document searches, tell him they can't write things down, and say they have been prohibited from speaking to superiors. He feels they have been treated unfairly.
09/11/98	Earl Silbert has a teleconference with Northrop Grumman counsel and Northrop Grumman employee.
09/11/98	Earl Silbert has a teleconference with Northrop Grumman employees.
09/12/98	Earl Silbert reviews a document.
09/12/98	Earl Silbert has teleconference with Northrop Grumman counsel.
09/14/98	Joseph Lucente of Northrop Grumman sends a letter to Dale Helms at the White House notifying him of a dysfunction in the e-mail system which was detected in late May. In the letter, Lucente complains that Laura Crabtree was notified of the problem and kept Northrop Grumman management out of remedial action. The letter states that "[a]s a consequence we are not proceeding with our efforts to remedy the dysfunction until we have received further contractual direction."
09/15/98	Earl Silbert has teleconference with Northrop Grumman counsel.
09/22/98	Earl Silbert has teleconference with Northrop Grumman counsel.
09/28/98	Earl Silbert has teleconference with "White House counsel."

As you can see, Mr. Silbert called the White House on September 28, 1998. That was at the height of the impeachment investigation. People were talking about a possible Presidential resignation. Do you think that the White House would take notice if they found out in the middle of the impeachment debate that they had a problem which meant that hundreds of thousands of e-mails had never been searched? You bet they would.

Well, yesterday we asked Mr. Silbert about what happened. You can all guess what comes next. He told our staff that he didn't remember who he called or what he discussed. Imagine that. He hears a story about possible law breaking and threats to his client's employees and he doesn't even remember who he talked to. And he was careful enough not to write it down. That was his first interaction with the White House

A couple of months later, just before the Senate trial of the President started, an *Insight* Magazine article appeared that had the potential to upset the entire impeachment debate. It mentioned something going on in the White House called "Project X." It described what was going on with "Project X" and how there were 100,000 e-mails that had been kept from investigators. Here is one quote from the story:

So why hasn't the White House come clean and informed various panels and Starr of the discovery. Insiders say there is a lively debate going on involving a fair amount of legal hair-splitting. Some folks in the West Wing believe that unless resubpoenaed, the White House doesn't have a duty to tell anyone about the irritating new batch of e-mails discovered.

Right after this article came out, Earl Silbert was once again brought into the loop. He talked to Northrop Grumman counsel and then he again called the White House Counsel's office. Again, I'll put the chronology up on the screen.

10/09/98	Earl Silbert has teleconference with Northrop Grumman counsel.
12/11/98	Joe Vasta of Northrop Grumman prepares a memo and notified the "Government" about the <i>Insight</i> magazine article about the e-mail problem.
12/15/98	Earl Silbert has a teleconference with Northrop Grumman counsel.
12/28/98	Official publication date of initial <i>Insight</i> article on "Computer Glitch Leads to Trove of 'Lost' E-mails at White House."
12/30/98	Earl Silbert has a teleconference with "White House counsel."

So yesterday, we asked Mr. Silbert who he talked to and what was discussed. Again, he couldn't remember a thing about his call to the White House. And he won't tell us anything about the other calls he had with Northrop Grumman lawyers because his client won't waive its legal privileges.

Two major events in the e-mail matter. Two calls to the White House by a Washington superlawyer. It really makes you stop and think about Chuck Ruff's claim that there was a "disconnect."

At the time Mr. Silbert was brought into the loop, there were four major things going on in the White House e-mail problem:

- Employees had been threatened and were frightened.
- Documents were being withheld from Congress and other investigators.
- The Northrop Grumman employees were saying that the White House might be breaking the law by failing to fix the e-mail problem.
- Computer people in the White House understood that the e-mail might be relevant to the impeachment debate and the campaign finance investigation.

It is highly unlikely that Earl Silbert called the White House Counsel's office to talk about the weather. The fact that a lawyer of Mr. Silbert's stature was hired at all suggests that Northrop Grumman understood that the problem was significant. Silbert's two separate contacts with the White House cast even more doubt on the White House claim that they weren't actively covering up the problem.

The White House keeps telling us that they didn't understand the problem. They got a memo, they didn't understand it. They got a briefing, they didn't understand it. Earl Silbert called twice, they still didn't get it. Mark Lindsay went back to White House Counsel's office when another problem was discovered, they didn't understand it. As one White House official told the Committee: "you'd have to be an idiot not to understand that the problem affected subpoena compliance." You really have to ask yourself, why is it that

President Clinton's White House Counsel's Office manages to be so stupid when it's really convenient?

I have sent a letter to Judge Lamberth today about the Silbert matter. Mr. Silbert's billing records made it clear that one of his colleagues provided false information to a federal court on two separate occasions. In Judge Lamberth's court, another Northrop Grumman lawyer testified that Mr. Silbert didn't have any contact with the White House about the missing e-mails. We now know this isn't true. I know that Earl Silbert has a reputation for integrity. However, I find this entire incident very troubling. I ask unanimous consent to include the letter in the record.

Beth Nolan

White House Counsel Beth Nolan was also scheduled to testify today. I issued a subpoena to her after trying to get answers to questions for months. It seems she only really focuses her attention on Congressional requests when she is worried that she'll have to explain herself to Congress. Yesterday we reached an accommodation with her. We agreed that if she answers the questions we put to her in a letter yesterday, then we would postpone her appearance. I ask unanimous consent to include my letter to her dated September 25, 2000, in the record. I also ask unanimous consent to have her response included in the record when we receive it.

The questions we have for Ms. Nolan are related to the campaign fundraising investigation. The go to a failure by the Justice Department to review evidence, so it is related to the White House e-mail investigation. Let me explain briefly.

One of the questions that went unanswered for a very long time was whether the original videotape of the December 15, 1995, White House coffee had been reviewed by the Justice Department. The White House had custody of the original tape, so that's why I asked them who had reviewed it.

This is the tape where Indonesian gardener Arief Wiriadinata – who gave \$455,000 to the Clinton/Gore campaign – tells the President “James Riady sent me.” It's also the tape where the Vice President appears to tell Mr. Wiriadinata “We oughta, we oughta, we oughta show Mr. Riady the tapes, some of the ad tapes,” and someone else says “I'll see if I

can do that.” This statement came four days after Vice President Gore had shown copies of issue ad tapes to political contributors in Chicago.

The Justice Department has so far failed to ask the Vice President a single question about this exchange. Why the Vice President of the United States would suggest showing political advertisements to someone who lived in Indonesia is a matter of some interest. Particularly when it is James Riady, a man with extensive ties to the Chinese government and someone who had promised to give the President a million dollars during his 1992 campaign. Did he want to show the tape to Riady for the same reasons he had shown it to contributors in Chicago? Did he know that Riady had been contributing heavily? Are there contributions we don’t know about that he was aware of?

I asked the White House for months if the Justice Department had reviewed the original tape. The copies that were provided earlier are very poor, and some of the audio is very difficult to hear. I couldn’t get an answer. So once again, I had to notice a hearing just to get an answer to a simple question like that. Late last week, the White House informed us that the Justice Department has not looked at these tapes since “a short period of time” in October of 1997. This delay can only be explained by a desire not to embarrass the Justice Department and to protect the Vice President from additional questioning.

I’ve also been asking the Justice Department about this tape. We held a hearing in July with four senior Justice Department officials. We played the tape several times. We asked them if they wanted to examine the original tape, and they wouldn’t respond. I know that they haven’t examined the original, because we have it. I subpoenaed it.

I wrote to them on August 25 to ask if they wanted the tape. No response.

I wrote to them on September 7. No response.

So I scheduled this hearing for today. I sent Mr. Gershel {Ger-SHELL} a subpoena to testify. And guess what. Yesterday, the Justice Department sent us a letter saying that they want to see the tape. Once again, we have to embarrass the Justice Department to get them to do their job.

I am pleased that we have Mr. Gershel here today. When he was last here, I was critical that he had taken time away from his responsibilities supervising the campaign financing task force to be a lead prosecutor in the trial of independent Counsel Starr’s

former spokesman Charles Bakaly. I just couldn't understand how he had so much spare time on his hands. I also couldn't understand why he would send out such a message about the Attorney General's priorities. With all the criticism that the Justice Department fundraising investigation has received, I question the judgment that would have Mr. Gershel get involved in a trial that involved one of former Independent Counsel Starr's staff. The Bakaly prosecution was one of the highest priorities of President Clinton's lawyers. To my way of thinking, Mr. Gershel's decision to be a lead attorney in the Bakaly case sent the message that the Attorney General put a higher priority on doing something that the President and his lawyers wanted, than on the investigation of the President and the Vice President.

Today we will ask Mr. Gershel questions about the Justice Department criminal investigation of the White House e-mail matter. We provided Mr. Gershel some of the questions in advance, so he should be prepared. We will stay away from asking substantive questions about the investigation. Instead, we will try to focus on the effort that is being put into the investigation.

I would also like to learn a little more about the White House e-mails produced to the Committee last Friday. I would like to know when they were produced to the Justice Department. Just over a month ago the Attorney General rejected Robert Conrad's recommendation to appoint a special counsel to investigate the Vice President for perjury. The Attorney General was very clear in her rejection. She said:

"I have concluded that there is no reasonable possibility that further investigation could develop evidence that would support the filing of charges for making a willful false statement."

Did the Justice Department have these latest e-mails when she made that statement? These e-mails have been under subpoena for three-and-a-half years, and they are just now being turned over to us by the White House. That's disgraceful. Let me read just a couple of these.

We have an e-mail from the Vice President's office from April 9, 1996 – twenty days before the Hsi Lai Temple event. The staffer says:

"We are committed in San Jose and LA for fundraising events."

Then the Vice President's itinerary is attached. There is exactly one event on the schedule for Los Angeles – the His Lai Temple event. And the Vice President said he had no idea this was a fundraiser. Was he telling the truth? This e-mail has a bearing on that.

We have an e-mail from April 23, 1996. Again, it's from the Vice President's office. The staffer says:

"I do not remember asking, but I may have. These are FR coffees right?"

What does FR stand for – French Roast coffees? Of course not. It means fundraising coffees. And the President and the Vice President said the coffees weren't fundraisers. Were they telling the truth? This e-mail has a bearing on that.

We have another e-mail directly to the Vice President from February 1996. Carter Eskew, the campaign ad man, wants to be able to send e-mail to the Vice President, but they don't want it to be archived. It says:

"the only way not to have your e-mails backed up on government computers would be to get a Clinton/Gore computer in your office and set it up for private e-mails."

I'd like to know if that was done. So should the Justice Department. These are just a few examples of why this e-mail investigation is so important. It really is a question of whether obstruction of justice was committed.

Mr. Gershel should be able to tell us when the Attorney General and her advisers got the information that we got on Friday. I think that's a very important question, and I want an answer.

I now yield to Mr. Waxman for his opening statement.

Mr. WAXMAN. If you would permit, there was an item that you went by quickly. I just wanted to put on the record. You asked unanimous consent for all documents referred to to be made public, and I generally have no objection to that, but there are some exhibits that I understand the majority wishes to release publicly today. These are exhibits 6 through 14. They're documents provided to the committee in response to a request for grand jury subpoenas and other documents relating to evidence the Department of Justice's Campaign Finance Task Force has gathered.

The committee, however, received a letter from the Department of Justice yesterday objecting to the recent practice by the committee of subpoenaing the subpoenas, which resulted in the production of these documents. According to the Department of Justice, this practice could undermine effective law enforcement by creating a substantial risk that sensitive and confidential investigative information will be disclosed to targets of investigations and to other persons who might use the information to thwart our law enforcement efforts. That was what they said.

I am also concerned that the committee's actions could undermine important grand jury secrecy requirements. There may be situations where the reasons for release of grand jury materials by a committee would be so compelling as to outweigh the potential harm to ongoing investigations. However, I am not currently aware of a compelling reason to release these documents today.

The minority received notice of the majority's interest in releasing these documents just a few hours before today's hearing. I have not had the opportunity to discuss with the Department of Justice their concerns about the committee's practice or assess the merits of such concerns in relation to the need to release these documents today. Therefore, I would hope that when you talked about documents, you weren't referring to these documents, and that we're not going to make these documents public.

Mr. BURTON. Mr. Waxman, excuse me 1 second. There are several facts that must be pointed out in response to Mr. Waxman's objection. As he pointed out, the Justice Department has objected to the committee's recent practice of subpoenaing subpoenas which are issued by the Campaign Financing Task Force. Why is the Justice Department objecting? It's pretty simple. They're embarrassed.

At a hearing on July 20th, we pointed out that the Justice Department had never subpoenaed information on Maria Hsia from the White House. It waited 3 years to get information on Mark Middleton and Ernie Green. Those facts are embarrassing, and the Justice Department doesn't want the committee or the public to find out about that.

Second, Mr. Waxman has objected to the release of three sets of documents. Two of them don't even seem to have any relation to the Justice Department's arguments. One set of the documents is correspondence between Tony Barry's lawyers and the task force. There isn't any substantive information about the investigation in those documents. The second set of documents are letters and subpoenas issued by the task force to the State Department. Every piece of sensitive information in those documents has already been redacted by the Justice Department.

Mr. Waxman's objection to the unanimous consent is heard and we will not release those documents today in accordance with your objection. I would like to move to release it but I think we'd have to call everybody from the floor here and we'd be here for some time waiting to get the votes. So we'll deal with that at some future date.

Mr. WAXMAN. Thank you, Mr. Chairman.

Mr. BURTON. Seven months ago, the Washington Times reported that the White House covered up—and as I said, I don't know if you heard me, Henry, but this is a fairly lengthy statement, and I apologize for that, but we have a lot we have to cover here before we get to the questioning, but we'll allow you whatever time you want and we'll be lenient with the rest of your committee members as well.

Seven months ago the Washington Times reported that the White House covered up a problem with their e-mail records for over 2 years. As a result of the White House cover-up, information was kept from this committee, but not just this committee, but other committees of Congress, the Justice Department and various independent counsels.

In March we had a number of witnesses who worked on the e-mail system testify. Some told us they were threatened. One was told there was a jail cell with his name on it if he talked to anyone about the problem. Another said that she would rather be fired than go to jail for telling her own boss what she was working on. Employees were told they couldn't write things down. Notes of meetings were confiscated. People had to talk about the e-mail problem in a park or at a Starbucks restaurant near the office.

The problem was brought to the attention of high level political appointees. The Office of Administration general counsel was informed. An assistant to the President was told about the problem. The President's deputy chief of staff, one of his main scandal managers, was brought into the loop. The counsel to the President was even briefed.

And then nothing happened for months. The main problem never got fixed. Congress was never told. The Justice Department was not told. The various independent counsels were not told.

When we subpoenaed documents, we found out that the lower level employees were begging for help, that they couldn't get any direction from their bosses in the White House. The problem was covered up. Nearly 2 years went by before the White House counsel told us that they hadn't complied with the committee subpoenas. Even after the first newspaper article about the problem appeared, the counsel to the President didn't let on there was a problem. The only reason they ever informed us was because we started interviewing people and finding out how extensive the problem was. Even now after the first batch of reconstructed e-mails was produced late last Friday, the White House is spinning and stalling.

We all make mistakes, but week in and week out, this administration and its leaders look the public in the eye and make things up. I called today's hearing because the cover-up mentality in the White House counsel's office and the Department of Justice has not changed. We needed to get answers to important questions and we

were getting the runaround. The administration is trying to run out the clock. We've got an election coming up. We can't get the White House to answer simple questions. We can't get the Justice Department to answer simple questions. I didn't really want to even have a hearing today, but as usual, we can't get anyone to answer the simplest of questions unless I notice a hearing and send out the subpoenas, and that's why we have to send out these subpoenas.

Then we start to get a little bit of movement. I shouldn't have to subpoena witnesses to get them to answer simple questions. It really is disappointing. At least none of the e-mail witnesses have fled the country like so many in the campaign finance investigation, at least not yet.

Before we get to Mr. Gershel, I want to talk about two witnesses who had to be subpoenaed before they would cooperate. White House Counsel Beth Nolan and Washington lawyer Earl Silbert. Yesterday, Mr. Silbert came in for an interview, and today, Ms. Nolan promised to provide written answers to our questions. So I have postponed their appearances, but I do want to tell you why they were subpoenaed and what we've learned.

Mr. Silbert is a highly respected Washington lawyer. He's a former U.S. attorney. He was a Watergate prosecutor. He represented President Clinton's former chief of staff, Erskine Bowles, during the Monica Lewinsky matter. He also represented Vice President Gore's friend, Peter Knight, during a congressional investigation. His clients have many reasons to be worried about what will come out when all the e-mails are reconstructed, which makes him a strange choice to represent the employees that were begging for help and telling their bosses that the White House was breaking the law by hiding the e-mails.

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When we first asked Mr. Silbert to come in for an interview, he point blank refused, so I had to issue a subpoena. Yesterday, he finally made himself available for an interview, and this is what we learned. A couple of months after they were first threatened, three Northrop Grumman employees asked for a meeting with the company lawyer. This was an extraordinary meeting. The employees had never had one like it. They explained the problems that they faced. They talked about the threats. They explained they were told not to write anything down. They told company lawyers that they thought a quick reconstruction of the e-mails was required by law. And the company did something. They hired a high priced Washington lawyer, someone who was friendly with the White House counsel, Chuck Ruff, and who knew the scandal minders in the White House, Cheryl Mills and Lanny Breuer.

Earl Silbert went to work. He talked to lawyers. He talked to one of the employees and then he called the White House, and I'll put the chronology up on the screen so everyone can take a look at it.

September 9th, Northrop Grumman lawyer Joseph Lucente meets with Golas, Haas and Spriggs. They tell him about threats, express concern about document searches, tell him they can't write things down and say they have been prohibited from speaking to superiors. He feels they have been treated unfairly.

Earl Silbert—September 11, 2 days later, Earl Silbert has a teleconference, has a teleconference with the Northrop Grumman counsel and Northrop Grumman employee.

Same day, Earl Silbert has a teleconference with Northrop Grumman employees. September 12, he reviews the document. September 12, Earl Silbert has a teleconference with Northrop Grumman counsel. September 14, Joseph Lucente of Northrop Grumman sends a letter to Dave Helms at the White House notifying him of a dysfunction in the e-mail system which was detected in late May. In the letter, Lucente complains that Laura Crabtree was notified of the problem and kept Northrop Grumman management out of remedial action. The letter states that as a consequence, we are not proceeding with our efforts to remedy the dysfunction until we have received further contractual direction. September 15, Earl Silbert has teleconference with Northrop Grumman counsel. September 22, he has another conference with the Northrop Grumman counsel.

As you can see, Mr. Silbert called the White House on September 28, 1998. We don't show that on there, do we yet? Oh, excuse me, and then the last one is Earl Silbert has a teleconference with the White House counsel. That was on September 28th. So as you can see, Mr. Silbert called the White House on September 28, 1998.

That was at the height of the impeachment investigation. People were talking about a possible Presidential resignation. Do you think that the White House would take notice if they find out in the middle of an impeachment debate that they had a problem which meant that hundreds of thousands of e-mails had never been searched? You bet they would.

Yesterday we asked Mr. Silbert about what happened. You can all guess what comes next. He told our staff that he didn't remember who he called or what he discussed. We've had an epidemic of memory loss in this town. Significant things, an absolute epidemic. I can't believe it. Must be something in the water.

He didn't remember who called him or what he discussed or who he had called at the White House or what he had discussed. Imagine that. He hears a story about possible law breaking and threats to his client's employees and he doesn't even remember who he talked to at the White House. And he was careful enough not to write it down. That was his first interaction with the White House.

A couple of months later, just before the Senate trial of the President started, an Insight Magazine article appeared that had the potential to upset the entire impeachment debate. It mentioned something going on in the White House called project X. It described what was going on with project X and how there were 100,000 e-mails that had been kept from investigators. Here's one quote from that story.

"So why hasn't the White House come clean and informed various panels and Starr of the discovery? Insiders say there's a lively debate going on involving a fair amount of legal hair splitting.

Some folks in the West wing believe that unless subpoenaed, the White House doesn't have a duty to tell anyone about the irritating new batch of e-mails that have been discovered."

Right after this article came out, Earl Silbert was once again brought into the loop. He talked to Northrop Grumman counsel, and then he again called the White House counsel's office. Again, I will put the chronology up on the screen.

October 9th, Earl Silbert has teleconference with Northrop Grumman counsel. December 11th, Joe Vasta of Northrop Grumman prepares a memo and notified the government about the Insight article about the e-mail problem. December 15th, Earl Silbert has a teleconference with Northrop Grumman counsel. December 28th, official publication date of initial Insight article on computer glitch leads to trove of lost e-mails at the White House. And 2 days later, on December 30th, Earl Silbert has a teleconference with the White House counsel, according to his billing records.

So yesterday, we asked Mr. Silbert who he talked to and what was discussed. Again, guess what happened? He couldn't remember a thing about who he talked to at the White House counsel's office, and he won't tell us anything about the other calls he had with Northrop Grumman lawyers because his client won't waive its legal privileges.

Two major events in the e-mail matter. Two calls to the White House by a Washington superlawyer. It really makes you stop and think about Chuck Ruff's, the former counsel to the President's claim that there was a disconnect.

At the time Mr. Silbert was brought into the loop, there were four major things going on in the White House e-mail problem. Employees had been threatened and they were frightened. Documents were being withheld from Congress and other investigators. The Northrop Grumman employees were saying that the White House might be breaking the law by failing to fix the e-mail problem. Computer people in the White House understood that the e-mail might be relevant to the impeachment debate and the campaign finance investigation.

It's highly unlikely that Earl Silbert called the White House counsel's office to talk about the weather. The fact that a lawyer of Mr. Silbert's stature was hired at all suggests that Northrop Grumman understood that the problem was very significant. Silbert's two separate contacts with the White House casts even more doubt on the White House's claim that they weren't actively covering up the problem.

The White House keeps telling us that they didn't understand the problem. They got a memo, they didn't understand it. They had a briefing, they didn't understand it. Earl Silbert called twice, they still didn't get it. Mark Lindsay went back to the White House counsel's office when another problem was discovered and they didn't understand that either. As one White House official told the committee, you would have to be an idiot not to understand that the problem affected the subpoena compliance.

You really have to ask yourself, why is it that President Clinton's White House counsel's office manages to forget everything or be so stupid when it's really convenient?

I sent a letter to Judge Lamberth today about the Silbert matter. Mr. Silbert's billing record makes it clear that one of his colleagues provided false information to a Federal court on two separate occasions. In Judge Lamberth's court, another Northrop Grumman lawyer testified that Mr. Silbert didn't have any contact with the White House about the missing e-mails. We know this isn't true. I know that Earl Silbert has a reputation for integrity. However, I find this entire incident very troubling. And I ask unanimous consent to include in the record a letter that we're talking about, that we sent to Judge Lambert. Without objection, so ordered.

White House Counsel Beth Nolan was also scheduled to testify today. I issued the subpoena to her after trying to get answers to questions for months. It seems she only really focuses her attention on congressional requests when she is worried she'll have to explain herself before Congress. Yesterday we reached an accommodation with her. We agreed that if she answers the questions we put in a letter to her yesterday, then we would postpone her appearance, and I ask unanimous consent to include my letter to her dated September 25th in the record and without objection, so ordered.

I also ask unanimous consent to have her response included in the record when we receive it. And without objection, so ordered.

The questions we have for Ms. Nolan are related to the campaign fundraising investigation. They go to a failure by the Justice Department to review evidence. So it is related to the White House e-mail investigation. Let me explain briefly.

One of the questions that went unanswered for a very long time was whether the original videotape of the December 15, 1995 White House coffee had been reviewed by the Justice Department. The White House had custody of the original tape, so that's why I asked the Justice Department if they had reviewed it or who had reviewed it.

This is the tape where Indonesian gardener Arief Wiriadinata, who gave \$455,000 to the Clinton Gore campaign, tells the President James Riady sent me. It is also the tape where the Vice President appears to tell Mr. Wiriadinata "We oughta, we oughta, we oughta show Mr. Riady the tapes, some of the ad tapes," and someone else says, "I'll see if I can do that." This statement came 4 days after Vice President Gore had shown copies of issue ad tapes to political contributors in Chicago.

The Justice Department has so far failed to ask the Vice President one single question about this exchange. Why the Vice President of the United States would suggest showing political advertisements to someone who lived in Indonesia is a matter of some interest, particularly when it's James Riady, a man with extensive ties to the Chinese Government and someone who had promised to give the President a million dollars in illegal money during his 1992 campaign, and he ended up giving him we know \$700,000 to \$800,000 in illegal contributions that were returned.

Did he want to show the tape to Riady for the same reason he had shown it to contributors in Chicago? Did he know that Riady had been contributing heavily? Are there contributions we don't know about that he was aware of?

I asked the White House for months if the Justice Department had looked at or reviewed that original tape. The copies that were provided earlier are very poor and some of the audio is very difficult to hear. I could not get an answer. So once again, I had to notice a hearing just to get an answer to a simple question like that.

Late last week the White House informed us that the Justice Department has not looked at these tapes since, "a short period of time in October 1997." This delay can only be explained by a desire not to embarrass the Justice Department and to protect the Vice President from additional questioning.

I have also been asking the Justice Department about this tape. We held a hearing in July with four senior Justice Department officials. We played the tape several times. We asked them if they wanted to examine the original tape and they would not respond. I know that they haven't examined the original because I have it. I subpoenaed it. I wrote to them on August 25th to ask if they wanted the tape. They did not respond. I wrote to them on September 7th if they wanted to look at the tape. No response. So I scheduled this hearing for today and I sent Mr. Gershel a subpoena to testify, and guess what, yesterday the Justice Department sent us a letter saying they want to see the tape. All you have to do is jump on this thing and bring it to the public, and then they will look at it. Once again, we have to embarrass the Justice Department to get them to do their job. So they're now going to look at the tape after we've been on this since literally who knows when.

I am pleased that we have Mr. Gershel here today. When he was last here, I was critical that he had taken time away from his responsibilities supervising the Campaign Financing Task Force to be a lead prosecutor in the trial of Independent Counsel Starr's former spokesman, Charles Bakaly. I just couldn't understand how he had so much spare time on his hands. I also couldn't understand why he would send out such a message about the Attorney General's priorities. With all the criticism that the Justice Department's fundraising investigation has received, I question the judgment that would have Mr. Gershel get involved in a trial that involved one of former Independent Counsel Starr's staff.

The Bakaly prosecution was one of the highest priorities of President Clinton's lawyers. To my way of thinking Mr. Gershel's decision to be a lead attorney in the Bakaly case sent the message that the Attorney General put a higher priority on doing something that the President and his lawyers wanted than on the investigation of the President and the Vice President.

Today we'll ask Mr. Gershel questions about the Justice Department criminal investigation of the White House e-mail matter. We have provided Mr. Gershel some of the questions in advance so he should be prepared. We will stay away from asking substantive questions about the investigation. Instead, we will try to focus on the effort that's being put into the investigation.

I'd also like to learn a little bit more about the White House e-mails produced to the committee last Friday. I'd like to know when they were produced to the Justice Department. Just over a month ago, the Attorney General rejected Robert Conrad's, the head of the task force, and she's rejected I think almost every head of the task

force recommendations, but she rejected his task force recommendation to appoint a special counsel to investigate the Vice President for perjury. The Attorney General was very clear in her rejection, as she has been in other cases. She says, I have concluded there is no reasonable possibility that further investigation could develop evidence that would support the filing of charges for making a willful false statement. And yet, she hadn't even looked at these tapes.

Did the Justice Department have these latest e-mails when she made that statement? These e-mails have been under subpoena for 3½ years, and they are just now being turned over to us by the White House, 3½ years late. That's disgraceful. Let me read just a couple of these.

We have an e-mail from the Vice President's office from April 9, 1996, 20 days before he went to the Hsi Lai Temple event. The staffer for the Vice President says, "We committed in San Jose and L.A. for fundraising events." Then the Vice President's itinerary is attached. There's exactly one event on the schedule for Los Angeles, the Hsi Lai Temple event, and the Vice President said he had no idea this was a fundraiser? Was he telling the truth? This e-mail has a bearing on that.

We have an e-mail from April 23, 1996. Again, it's from the Vice President's office. The staffer says I do not remember asking, but I may have. These are FR copies, right? Now what does FR stand for? I don't think it stands for french roast coffees. Of course not. It means fundraising coffees, and the President and the Vice President said the coffees were not fundraisers. Were they telling the truth? This e-mail has a bearing on that.

We have another e-mail directly to the Vice President from February 1996. Carter Eskew, the campaign ad man, wants to be able to send an e-mail to the Vice President, but they don't want it to be archived. They don't want it in the archives. It says, "The only way not to have your e-mails backed up on government computers would be to get a Clinton Gore computer in your office and set it up for private e-mails." I'd like to know if that was done.

So should the Justice Department. Why did they not want these things archived, these e-mails? Supposed to be, all of them supposed to be, but they specifically did not want it done. So should the Justice Department want to know this?

These are just a few examples of why this e-mail investigation is so important. It really is a question of whether obstruction of justice was committed. And I want to bring attention to anyone who's interested back to the Watergate tapes. We had just a few minutes of missing tape and ended up being one of the main reasons that a President was brought down, and here we have hundreds of thousands of e-mails that have been kept from the public and every committee for 3 years. They were subpoenaed a long time ago and the Justice Department apparently hasn't been doing anything to really force the issue.

Mr. Gershel should be able to tell us when the Attorney General and her advisers got the information that we received on Friday. I think that's a very important question, and I'd like to have an answer.

I now yield to Mr. Waxman for his statement.

Mr. WAXMAN. Usually when Congress gets together to have a hearing, we try to get facts, and from those facts try to figure out what happened. What we have in this committee is an extensive statement of a theory by the chairman which invariably involves a conspiracy. Everybody is in this conspiracy who's a Democrat or who worked for the government or who might have some evidence that doesn't fit the theory that the chairman is proposing.

What we have just heard from Mr. Burton was a bunch of sensational allegations. The reason he has to give an extensive statement of sensational allegations is because the facts don't fit those allegations. He simply puts them out there and hopes that maybe in stating a lot of sensational allegations, something may stick. Well that's not an oversight hearing. That's a—I guess in a campaign, a political effort to smear.

Now when we got the memo about what this hearing was all about, we looked at it and it was so wrong in its allegations and misleading and false statements that we wrote a letter to the chairman, and I want to make my letter to the chairman part of the record, and I ask unanimous consent to do that.

Mr. BURTON. Without objection. We have a response which we'd also like to put in the record. Without objection.

[The information referred to follows:]

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ONE HUNDRED SIXTH CONGRESS

Congress of the United States
House of Representatives

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September 26, 2000

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BERNARD SANDERS, VERMONT,
INDEPENDENT

The Honorable Dan Burton
Chairman
Committee on Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Burton:

The Committee has devoted considerable resources to investigating e-mail problems in the White House. The Committee has held four days of hearings on the topic -- today will be the fifth -- at which it received testimony from 16 people (three of whom each testified twice). Committee staff have interviewed 35 people in connection with the e-mail investigation, and the Committee has requested and received 9,224 pages of documents.

Given the time and energy that have been expended on this investigation, I am bewildered by the factual inaccuracies and omissions contained in your memorandum of September 21 concerning today's hearing. While I would not normally respond to a hearing memo, I feel that it is important to set the record straight in this matter.

In your memo, you state that "a number of Northrop Grumman employees say that they were threatened to keep the problem secret" and "several employees even recall that one of them was specifically told there was a 'jail cell with his name on it' if he disclosed the e-mail problem." What you fail to mention is that other, equally credible Northrop Grumman employees, who were present at the same meeting, have no recollection of being threatened.

For example, your statement fails to mention the testimony of one of the employees, Yiman Salim, who emphatically denied ever feeling threatened.¹ Nor do you mention that both Ms. Salim and her colleague, John Spriggs, testified that they did not hear any mention of jail at the meeting.²

¹House Committee on Government Reform, *Hearing on Missing White House E-Mails: Mismanagement of Subpoenaed Records*, 21 (Mar. 23, 2000) (stenographic record) (hereinafter "March 23 hearing").

²March 23 hearing at 21, 47.

The Honorable Dan Burton
 September 26, 2000
 Page 2

It is true that one employee, Robert Haas, did recall the jail threat clearly.³ Mr. Haas testified that he asked then-OA employee Laura Callahan "[i]n a somewhat flippant way" what would happen if Mr. Haas told his wife about the e-mail matter, and Ms. Callahan "responded that there would be a jail cell with my name on it."⁴ The other employee who testified that she recalled a mention of jail, Sandra Golas, had only a vague recollection and could not even recall who said it.⁵

The only other person who recalled threats of jail, Betty Lambuth, testified that those threats occurred in different contexts, and her testimony has been thoroughly discredited.⁶

Your memo also states that as a result of these purported threats, "the contract employees were placed in a position where they could not take any decisive action to remedy the e-mail problem." This assertion, however, is inconsistent with the testimony before the Committee. Mr. Spriggs, for example, testified:

the reality was we needed to figure out what the problem was and how were we going to

³March 23 hearing at 32.

⁴March 23 hearing at 32.

⁵March 23 hearing at 45.

⁶Ms. Lambuth testified that during a meeting with then-OA General Counsel Mark Lindsay and then-OA employee Paulette Cichon, Mr. Lindsay told Ms. Lambuth that if she and other Northrop Grumman workers told anyone about the Mail2 problem, "we would all lose our jobs, we would be arrested, and we would be put in jail." March 23 hearing at 25. However, at the following hearing, I introduced into the record a signed statement by Ms. Cichon denying that Mr. Lindsay threatened Ms. Lambuth or anyone else in her presence. Statement of Paulette Cichon (March 29, 2000). Ms. Cichon confirmed the accuracy of her statement in a subsequent interview with Committee staff.

Ms. Lambuth also alleged that "[a] contractor for Northrop-Grumman whom I supervised, and who examined this group of e-mail, told me the e-mail contained information relating to Filegate, concerning the Monica Lewinsky scandal, the sale of Clinton Commerce Department trade mission seats in exchange for campaign contributions, and Vice President Al Gore's involvement in campaign fundraising controversies." Statement of Betty Lambuth (March 23, 2000). She identified the contractor as Mr. Haas. March 23 hearing at 59. Mr. Haas, however, denied that he knew or had told Ms. Lambuth anything about what was in the "missing" e-mails. March 23 hearing at 89.

The Honorable Dan Burton
 September 26, 2000
 Page 3

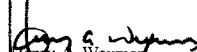
deal with getting these [e-mails] in the records management system. . . . There was no, from my point of view, any kind of question that we were not going to proceed forward with this and resolve this question. We were trying to get all of the information so that whomever -- OA counsel or White House Counsel -- would have sufficient information to be able to judge the import of the information they had. As far as I knew personally ... I had no knowledge of anyone trying to stop us from doing any of that.⁷

In addition, your discussion of the "potential significance of Silbert's contacts" is misleading. Earl Silbert is a Washington lawyer who was hired by Northrop Grumman. In the course of his representation of Northrop Grumman, he briefly contacted the White House Counsel's office on two occasions. The Committee has received no information about the substance of those contacts, however. As a result, your assertion that "Silbert's contacts may dramatically undermine White House claims" is simply inflammatory speculation.

Finally, your memorandum also makes misleading statements about the role of Cheryl Mills, then-White House Deputy Counsel, in the e-mail matter. For example, you state "Mills conducted a test, the forms and terms of which are unknown," to determine the extent of the e-mail problem. But, although Ms. Mills has been a frequent target of this Committee, there is no evidence to contradict Ms. Mills's testimony that she "didn't develop a search."⁸ Ms. Mills testified that she was informed of the test search by Mr. Ruff.⁹

You are entitled to your personal theories to explain events, but it is a disservice to the members of the Committee to substitute your personal views for the facts. We may draw different conclusions from the facts, but the inaccuracies and omissions in your September 21 memo result in a summary that creates facts to fit your conclusions.

Sincerely,



Henry A. Waxman

Ranking Minority Member

cc: Members of the Committee on Government Reform

⁷March 23 hearing at 91-92.

⁸House Committee on Government Reform, *Hearing on Missing White House E-Mails: Mismanagement of Subpoenaed Records*, 35 (May 4, 2000) (stenographic record).

⁹*Id.*, at 33-34.



**UNSUBSTANTIATED ALLEGATIONS OF WRONGDOING
INVOLVING THE CLINTON ADMINISTRATION**

Prepared for Rep. Henry A. Waxman

**Minority Staff Report
Committee on Government Reform
U.S. House of Representatives**

September 2000

Over the past eight years, Chairman Dan Burton of the House Government Reform Committee and other Republican leaders have repeatedly made sensational allegations of wrongdoing by the Clinton Administration. In pursuing such allegations, Chairman Burton alone has issued over 900 subpoenas; obtained over 2 million pages of documents; and interviewed, deposed, or called to testify over 350 witnesses. The estimated cost to the taxpayer of investigating these allegations has exceeded \$23 million.¹

Chairman Burton or other Republicans have suggested that Deputy White House Counsel Vince Foster was murdered as part of a coverup of the Whitewater land deal; that the White House intentionally maintained an "enemies list" of sensitive FBI files; that the IRS targeted the President's enemies for tax audits; that the White House may have been involved in "selling or giving information to the Chinese in exchange for political contributions"; that the White House altered videotapes of White House coffees to conceal wrongdoing; that the Clinton Administration sold burial plots in Arlington National Cemetery; that prison tape recordings showed that former Associate Attorney General Webster Hubbell was paid off for his silence; 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 21 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 conclusions . . . 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 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."²³ 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."²⁴

The Facts: These allegations have been thoroughly investigated by Independent Counsel Robert Ray 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."²⁵

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.²⁶

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.²⁷

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.²⁸ 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.²⁹

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.³⁰

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.³¹

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.³² *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?”³³

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.³⁴

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.³⁵ 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.”³⁶

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.”³⁷ 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, 1996.³⁸

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.³⁹ Mr. Huang later testified before the Committee and denied Mr. Wang’s allegations.⁴⁰ 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.⁴¹

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 indicates 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.”⁴² Specifically, the proffer suggested that President Clinton endorsed the candidacy of a foreign leader in exchange for campaign contributions.⁴³ 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.⁴⁴

The Facts: To investigate this allegation and other allegations concerning the Lums, Chairman Burton issued nearly 200 information requests that resulted in the receipt of over 40,000 pages of documents, 50 audiotapes, a videotape, and numerous depositions. After this extensive investigation, however, the Chairman was never able to produce any evidence to support the dramatic allegation in the proffer.

The proffer presented by Chairman Burton states that, during the 1992 campaign, the Lums arranged a meeting with a Clinton/Gore official for an individual who had proposed to arrange a "large donation in exchange for a letter signed by the Clinton campaign endorsing the candidacy of a man who is now the leader of an Asian nation." The proffer states that the official "later provided a favorable letter over the name of Clinton," that a "Clinton/Gore official signed then Governor Clinton's name to the letter," and that the individual who made the request for the letter then made a \$50,000 contribution that reportedly came from "a foreign person then residing in the United States."⁴⁵

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.⁴⁶

Allegation: On October 19, 1997, Chairman Burton appeared on national television and suggested that the White House had deliberately altered videotapes of presidential fund-raising events. On CBS's *Face the Nation*, he said "We think ma--maybe some of those tapes may have been cut off intentionally, they've been--been, you know, altered in some way." He also said that he might hire lip-readers to examine the tapes to figure out what was being said on the tapes.⁴⁷

The Facts: Investigations by the House Government Reform 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.⁴⁸ 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 Committee in October 1997 that they were unaware of any alteration of the videotapes.⁴⁹

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.⁵⁰

Republican Party Chairman Jim Nicholson accused the Administration of a “despicable political scheme,” and several Republican leaders, including Chairman Burton, called for investigations.⁵¹ 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.”⁵²

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.⁵³

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.⁵⁴

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.”⁵⁵

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.”⁵⁶

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.⁵⁷

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.⁵⁸ James Riady, an executive of the Lippo

Group, was a contributor to the DNC. In June 1998, in a statement on the House floor, Chairman Burton reiterated his allegation: “[T]he President made the Utah Monument a national park. What is the significance of that? The largest clean-burning coal facility in the United States, billions and billions of dollars of clean-burning coal are in the Utah Monument. It could have been mined environmentally safely according to U.S. engineers. Who would benefit from turning that into a national park so you cannot mine there? The Riady group, the Lippo Group, and Indonesia has the largest clean-burning coal facility, mining facility, in southeast Asia. They were one of the largest contributors. Their hands are all over, all over these contributions coming in from Communist China, from Macao and from Indonesia. Could there be a connection here?”⁵⁹

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.⁶⁰ 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.⁶¹

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.⁶²

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 Committee. Although the tapes are supposed to be protected by the Privacy Act, Chairman Burton released a document in April 1998 entitled the “Hubbell Master Tape Log,” which contained what were purported to be excerpts from these tapes. However, it was subsequently revealed that many of these excerpts were in fact inaccurate or omitted exculpatory statements made by Mr. Hubbell that directly contradicted the allegations.⁶³

For example, while the “Hubbell Master Tape Log” quoted the above portions of the March 25, 1996, conversation between Mr. and Mrs. Hubbell, it omitted a later portion of the same conversation that appears to exonerate the First Lady. The later portion of that conversation

follows, with the portions that Chairman Burton omitted from the “Hubbell Master Tape Log” underlined:

Mr. Hubbell: Now, Suzy, I say this with love for my friend Bill Kennedy, and I do love him, he’s been a good friend, he’s one of the most vulnerable people in my counterclaim. Ok?

Mrs. Hubbell: I know.

Mr. Hubbell: Ok, Hillary’s not, Hillary isn’t, the only thing is people say why didn’t she know what was going on. And I wish she never paid any attention to what was going on in the firm. That’s the gospel truth. She just had no idea what was going on. She didn’t participate in any of this.

Mrs. Hubbell: They wouldn’t have let her if she tried.

Mr. Hubbell: Of course not.

The “Hubbell Master Tape Log” released by the Chairman also included an underlined passage in which Mr. Hubbell allegedly said: “The Riady is just not easy to do business with me while I’m here.” In fact, the actual tape states: “The reality is it’s just not easy to do business with me while I’m here.”

Allegation: In April 1998, Chairman Burton sought immunity from the Committee for four witnesses: Nancy Lee, Irene Wu, Larry Wong, and Kent La. He and other Republicans leaders, including Speaker Newt Gingrich, alleged that these witnesses had important information about illegal contributions from the Chinese government during the 1996 elections.⁶⁴

Speaker Gingrich alleged that the four witnesses would provide information on “a threat to the fabric of our political system.”⁶⁵ 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.”⁶⁶ 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.”⁶⁷

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.⁶⁸ 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.⁶⁹

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."⁷⁰ The *National Journal* reported this allegation in an article that referred to Rep. Weldon as "a respected senior member of the National Security Committee."⁷¹

The Facts: The Department of Justice examined the allegations relating to whether campaign contributions influenced export control decisions and found them to be unfounded.⁷² 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."⁷³ 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."⁷⁴

A House select committee investigated allegations relating to United States technology transfers to China, and whether campaign contributions influenced export control decisions. In May 1999, the Committee findings were made public. The Committee's bipartisan findings also did not substantiate Rep. Weldon's suggestions of treason by the President.⁷⁵

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."⁷⁶

The Facts: The White House database, known as "WhoDB," is a computerized rolodex used to track contacts of citizens with the White House and to create a holiday card list. In putting together the holiday card list, the Clinton Administration followed the procedures established by previous administrations. A number of entities, including the White House and the Democratic National Committee, created lists of card recipients, and the White House hired an outside contractor to merge the lists, and produce and mail the cards. As with past Administrations, the production and mailing costs of the holiday card project were paid for by the President's political party to avoid any appearance that taxpayer funds were being used to pay for greetings to

political supporters.

The evidence showed that the contractor charged with eliminating duplicate names from the 1993 holiday card list failed to remove the list from its computer. This computer was subsequently moved – for unrelated reasons – to the 1996 Clinton/Gore campaign. The Committee uncovered no evidence that this list was ever used for campaign purposes. In fact, computer records showed that the Clinton/Gore campaign never accessed it, and it appears that the campaign was not aware that the computer contained this list.

With respect to the 1994 holiday card list, a DNC employee learned that the contractor charged with eliminating duplicate names from the list did not properly “de-dupe” the list. Therefore, she worked with her parents and several volunteers over a weekend to properly perform this task. The evidence indicates that neither the 1994 nor the 1993 holiday card list was used for any other purpose than sending out the holiday cards.⁷⁷

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.”⁷⁸

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 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.⁷⁹

On July 12, 1999, the Committee also learned that the Air Force Office of Special Investigations had completed its investigation and found that Col. Willson had done nothing improper.

Allegation: In July 1999 testimony before the House Rules Committee, Chairman Burton stated that the House Committee on Government Reform had received information

indicating that the Attorney General “personally” changed a policy related to release of information by the Department of Justice so that an attorney she knew “could help her client.”⁸⁰

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.⁸¹ In order to support her client’s interests in this lawsuit, Ms. Poston filed Freedom of Information Act (FOIA) requests with several components of the Department of Justice in November 1994 seeking records that established that her client’s statement were true and that Mr. Abe had, in fact, been arrested or detained.

In response to Ms. Poston’s FOIA requests, the INS, Bureau of Prisons, and Executive Office of the United States Attorneys informed Ms. Poston that no records on Mr. Abe existed.⁸² 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.⁸³ 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.⁸⁴

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.⁸⁵ 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.”⁸⁶

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 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.”⁸⁷

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."⁸⁸ 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."⁸⁹

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, 1993.⁹⁰

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.⁹¹

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."⁹²

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.⁹³ 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.⁹⁴

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.⁹⁵ 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.⁹⁶

Allegation: In December 1999 Chairman Burton alleged that the White House prevented White House Communications Agency (WHCA) personnel from filming the President meeting with James Riady, a figure from the campaign finance investigation, at an Asia-Pacific Economic Cooperation (APEC) summit meeting in New Zealand in September 1999. During a December 15, 1999, hearing entitled "The Role of John Huang and the Riady Family in Political Fundraising," Chairman Burton showed the two tapes made by the WHCA personnel, and then showed a video filmed by a press camera. Of the third tape, the Chairman said:

That shows a little different picture. The White House tapes don't show it, but President Clinton really did pay some special attention to Mr. Riady. This White House is so consumed with covering things up that their taxpayer-funded photographer wouldn't even allow a tape to be made of the President shaking Mr. Riady's hand. No one minded the President meeting Mr. Riady. They just didn't want anyone to know how warmly he was greeted because of the problems surrounding Mr. Riady.⁹⁷

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.’”⁹⁸

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.”⁹⁹

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).¹⁰⁰

Citations

1. The minority staff of the Government Reform Committee estimates that the costs of the congressional campaign finance investigations alone have exceeded \$23 million. This figure includes \$8.7 million that a 1998 General Accounting Office report found federal agencies reported spending on responding to congressional inquiries on campaign finance matters; over \$8 million that the House Government Reform Committee has spent on its campaign finance investigation; \$3.5 million that the Senate Governmental Affairs Committee spent on its campaign finance investigation; \$1.2 million authorized for the House Committee on Education and the Workforce's investigation of allegations of campaign finance abuses concerning the Teamsters; and \$2.5 million authorized for a select committee that investigated allegations that the Clinton Administration gave missile technology to China in exchange for campaign contributions. See *GAO Survey of Executive Branch Cost to Respond to Congressional Campaign Finance Inquiries* (June 23, 1998); House Committee on Government Reform and Oversight, *Interim Report: Investigation of Political Fundraising Improprieties and Possible Violations of Law, Additional and Minority Views*, 105th Cong, 3968-69 (1998) (H. Rept. 105-829). When the costs of investigating allegations in addition to the campaign finance allegations are included, the total costs likely significantly exceed \$23 million. Many of these additional investigations involved substantial congressional resources as well as executive branch resources to respond to inquiries. For example, to investigate allegations concerning the government's actions at Waco, Texas, the House Government Reform Committee has conducted at least 82 interviews, and has received over 750,000 pages of documents from the Justice Department and the Defense Department in response to Committee requests.
2. CBS, *CBS Morning News* (Oct. 20, 1997).
3. CBS, *CBS This Morning* (Oct. 20, 1997).
4. NBC, *NBC News At Sunrise* (Oct. 20, 1997).
5. NBC, *Today* (Oct. 20, 1997).
6. ABC, *ABC World News Sunday* (Oct. 19, 1997).
7. CNN, *CNN Early Prime* (Oct. 19, 1997).
8. CNN, *CNN Morning News* (Oct. 20, 1997).
9. CNN, *Headline News* (Oct. 20, 1997).
10. CNN, *Early Edition* (Oct. 20, 1997).
11. Fox, *Fox Morning News* (Oct. 20, 1997).
12. Fox, *Fox News Now/Fox In Depth* (Oct. 20, 1997).

13. *Tapes May Have Been Altered, Rep. Burton Says; Clinton Aide Decries Chairman's 'Innuendo'* (Oct. 20, 1997).
14. *GOP Suggests Tapes Altered* (Oct. 20, 1997).
15. *GOP Suspects White House Altered Fund-raising Tapes* (Oct. 20, 1997).
16. *Panel May Use Lip Readers to Check Fund-raising Tapes* (Oct. 20, 1997).
17. *Tape-Tampering Denied* (Oct. 21, 1997).
18. Senator Thompson announced these findings on NBC's *Meet the Press* (Dec. 7, 1997). Only a handful of media outlets reported this announcement, and these reports focused on other campaign finance issues and mentioned the Thompson announcement only at the very end. *E.g.*, *Reno and Freeh to Testify*, Morning Edition, National Public Radio (Dec. 9, 1997) (reporting on the upcoming House Government Reform hearing on the independent counsel decision and noting Senator Thompson's announcement at the very end). Beyond coverage of Senator Thompson's announcement, one article reported that Paul Ginsburg, a technical expert hired by the Senate Governmental Affairs Committee, had found no signs of doctoring. *See Expert: Coffee Tapes Are Clean*, Newsday (Nov. 8, 1997), and the "Real Deal" segment at the end of *Face the Nation* on November 2, 1997, followed up on Rep. Burton's allegation to report that Mr. Ginsburg was going to report that there was no doctoring.
19. *See, e.g.*, Congressional Record, H5632 (July 13, 1994).
20. Office of Independent Counsel, *Report on the Death of Vincent W. Foster, Jr. (In Re: Madison Guaranty Savings & Loan Association)*, 5 (Oct. 10, 1997) (citing Federal News Service (Aug. 10, 1993)).
21. *Id.* at 7 (citing *Report of the Independent Counsel Robert B. Fiske, Jr., In Re: Vincent W. Foster, Jr.*, at 58).
22. *Id.* at 111.
23. Congressional Record, H6633 (June 20, 1996).
24. 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).
25. 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).
26. CNN, *Late Edition with Frank Sesno* (Feb. 16, 1997).
27. Congressional Record, H4097 (June 20, 1997).

28. *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).
29. *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*, The Baltimore Sun (June 13, 1997); *Congressman Says Evidence Confirms Huang Passed Secrets – The House Rules Chairman Says Information Was Given to the Lippo Group*, The 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,' The Cincinnati Enquirer* (June 13, 1997); *Legislator Alleges Fund-raiser Gave Classified Data to Overseas Company*, The Las Vegas Review-Journal (June 13, 1997); *Dem Donor 'Breached Security' Lawmaker Accuses Ex-Clinton Appointee*, The Arizona Republic (June 13, 1997); *Congressman Alleges Huang Passed Secret Data to Firm; White House, FBI Decline to Comment on Solomon's Remarks*, The Milwaukee Journal Sentinel (June 13, 1997).
30. Gerald Solomon Interview FD-302 at 1 (Aug. 28, 1997).
31. Gerald Solomon Interview FD-302 at 1 (Feb. 11, 1998).
32. NBC's *Meet the Press* (Sept. 14, 1997).
33. *White House Denies Role in Audit of Jones; IRS Has History of Targeting 'Enemies,'* Washington Times (Sept. 16, 1997).
34. *E.g.*, *Whistleblowers' Letter, Newspapers Alert Agency*, Washington Times (Sept. 29, 1997); *Conservatives Suspect IRS Audit is Price of Opposing Clinton Policies*, Washington Times (April 21, 1997); *Politics and the IRS*, Wall Street Journal (Jan. 9, 1997).
35. 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).
36. *Id.* at 7.
37. 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).
38. *Id.* at 257, 271.
39. 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).
40. 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).
41. 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).

42. 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).
43. Proffer of Nora and Gene Lum to the Committee on Government Reform and Oversight (Aug. 22, 1997).
44. E.g., *Story of a Foreign Donor's Deal With '92 Clinton Camp Outlined*, Washington Post (Oct. 9, 1997).
45. *Id.* at Part B.1-3.
46. Deposition of Richard C. Bertsch, House Committee on Government Reform and Oversight, ex. 12 (March 30, 1998). The letter was addressed to Richard Choi Bertsch, who worked for an organization called the Asian Pacific Advisory Council-VOTE ("APAC") which conducted get-out-the-vote and fund-raising activities in the Asian-American community in California in 1992. *Id.* at 10-13, 20-22.
47. CBS's *Face the Nation* (Oct. 19, 1997).
48. 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).
49. 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).
50. 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).
51. *White House Denies Burial Politics*, Atlanta Constitution (Nov. 21, 1997); *Burton to Probe Plots-for-Politics Allegations*, Indianapolis Star News (Nov. 21, 1997).
52. Press Release, Rep. Gerald Solomon (Nov. 20, 1997).
53. 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).
54. *Id.* at 1.
55. *Id.* at 9.

56. 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).
57. Office of Independent Counsel, *Final Report of Independent Counsel In Re: Bruce Edward Babbitt*, 430, 441 (Aug. 22, 2000).
58. *Burton's Pursuit of President*, Indianapolis Star (Apr. 16, 1998).
59. Congressional Record, H4545 (June 11, 1998).
60. *Subpoena Widens Finance Probe; Request for White House Papers Covers 25 Categories, Copy Shows*, Washington Post (Aug. 15, 1997).
61. 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).
62. Letter from Rep. Henry Waxman to Chairman Dan Burton (May 3, 1998).
63. *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).
64. *Opening Statement by Chairman Burton*, House Committee on Government Reform and Oversight, Business Meeting, 6-13 (April 23, 1998); Congressional Record, H2338 (April 28, 1998); Congressional Record, H2444 (April 29, 1998).
65. Congressional Record, H2336 (Apr. 28, 1998).
66. Congressional Record, H3453 (May 19, 1998).
67. House Committee on Government Reform and Oversight, Business Meeting, 87 (Apr. 23, 1998) (stenographic record).
68. Deposition of Larry Wong, House Committee on Government Reform and Oversight, 13-14, 19, 26-27, 43, 52, 57 (July 27, 1998).
69. *Id.* at 85.
70. Congressional Record, H3239 (May 13, 1998).
71. *GOP Breaking China Over Clinton's Deals*, The National Journal (May 23, 1998).
72. *See Internal Justice Memo Excuses Loral*, Los Angeles Times (May 23, 2000).
73. Memorandum from Lee Radek to James Robinson, Assistant Attorney General, Criminal Division (Aug. 5, 1998).

74. The Addendum to Interim Report for Janet Reno and Louis Freeh Prepared by Charles La Bella and James DeSarno (Aug. 12, 1998).
75. 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).
76. 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).
77. *Id.*, Minority Views, 564-68.
78. Press Release, Chairman Burton, *Burton Angered by Harassment of Witness* (June 29, 1999).
79. Letter from Rep. Henry Waxman to Chairman Dan Burton (July 15, 1999).
80. Testimony of Chairman Dan Burton, House Rules Committee (July 15, 1999) (available at www.house.gov/reform/oversight/99_07_15db-rules.htm).
81. 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).
82. 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).
83. 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).
84. 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).
85. Memorandum from Attorney General Janet Reno to Staff of the Attorney General (April 28, 1995).
86. 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).

87. Morning Edition, National Public Radio (Aug. 31, 1999).

88. Letter from Chairman Burton to Attorney General Janet Reno (Sept. 10, 1999).

89. Fox News, *Fox News Sunday* (Sept. 12, 1999).

90. 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)”).

91. 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).

92. MSNBC, *Watch It! With Laura Ingraham* (Nov. 2, 1999).

93. John Huang Interview FD-302 at 19 (Jan. 19 - Feb. 10, 1999).

94. John Huang Interview FD-302 at 129 (Feb. 23 - March 26, 1999).

95. 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).

96. *Id.* at 95.

97. 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).

98. Letter from Chairman Dan Burton to Attorney General Janet Reno, 2 (July 18, 2000).

99. *Justice Department Won't Discuss Gore Video*, Reuters (July 21, 2000).

100. Fox, *Hannity and Colmes* (July 19, 2000).

Mr. WAXMAN. I have no problem with that. I wrote a letter to set the record straight, and it points out that contrary to Mr. Burton's claim that several credible Northrop Grumman employees testified there was no jail threat, that these Northrop Grumman employees testified they were never impeded in their effort to fix the e-mail problem and that Mr. Burton's sensational speculation about Northrop Grumman's attorney Earl Silbert is just that, speculation. He doesn't have any knowledge of what Mr. Silbert had to say in private conversations with anybody, but because he doesn't know what Mr. Silbert said and Mr. Silbert said in an interview that he couldn't remember certain things, Mr. Burton then jumps to the conclusion that Mr. Silbert is part of this conspiracy. In fact, what he's doing is challenging Mr. Silbert and saying Mr. Silbert must be dishonest because what he had to say didn't fit the Burton theory.

It used to be that we were accountable, Members of Congress, for what we said and did. We would admit our mistakes if we made mistakes. We would certainly try to avoid making new ones. But that's not the case on this committee. One hallmark of this committee's approach is to search for the missing piece of evidence. It seems no matter how much information is provided to the committee, and we've received millions of pages of documents and interviewed hundreds of witnesses at a cost of over \$8 million of taxpayers' money, there's always something missing to justify another wild goose chase.

And I want people to know, in our letter we pointed this out, that the committee held 4 days of hearings on this topic and that we're holding another one today about. This is going to be the fifth. We've already received testimony from 16 people, 3 of whom each testified twice. Committee staff interviewed 35 people in connection with the e-mail investigation, and the committee requested and received 9,224 pages of documents.

So given all that's gone on regarding this effort, I am bewildered by the factual inaccuracies and omissions contained in the statement by the chairman today and the memorandum he sent to members of this committee on September 21st, and I think it's just hard to set the record straight, because there's no record as far as what we hear and the allegations. There's no factual statements or records or evidence to justify the speculation, the sensational charges. The idea is just to make the charges and hope they stick.

Well, this is not new as I mentioned, in this committee and I prepared a report that I'd like to bring to everyone's attention, and I would hope that we could make it a part of the record. This report talks about the committee's endless pursuit of scandal, and I think that this report ought to be read by people who want to evaluate some of these charges. And if you want a record of the kind of charges that have been made, in order to evaluate the chairman's claims about the missing e-mails, while we've had between 130,000 and 150,000 of the missing White House e-mails already reconstructed and reviewed, out of these 130,000 to 150,000 e-mails, only 55 had any relevance to this committee's investigation. Only 55 out of 150,000. Out of those 55 e-mails, virtually none contained any new information. In fact, many had been provided in slightly different form to the committee or other investigators years ago.

So I think that we ought to—generally it is a good idea to discount much of what Mr. Burton said in his statement. It is likely that the new allegations will be proven as groundless as the ones that have come before. If you are convinced that the Clinton administration is corrupt, as many of my Republican colleagues seem to be, our committee's endless pursuit of scandal may seem reasonable, but most Americans don't share this obsession.

Their concerns are for providing a good education for their children, reducing the cost of prescription drugs for their parents, protecting the environment for their grandchildren, or paying down the national debt. To them we must seem incredibly out of touch, and they're absolutely right.

I want people to know that in this document, which we are making part of the record, we just listed some of the incredible allegations that have been made over the last 4 years by Republican leaders and Mr. Burton himself. Was Vince Foster murdered, for instance? Did the White House collect FBI files for dirty tricks? Did the Clinton administration sell secrets to the Chinese Government for campaign contributions? Did the White House engage in an abuse of power by using the IRS to retaliate against political enemies? Did John Huang really visit one of Mr. Burton's star witnesses, David Wang, and give him a paper bag filled with \$10,000? Did they alter the video tapes to mislead Congress and the American people? Did the President create a national monument in Utah to help James Riady? Did Attorney General Janet Reno withhold Waco material from Congress? Did Webster Hubbell on a prison telephone actually say, "The Riady is just not easy to do business with me while I am here?"

These are only a sample of the wild allegations that have been made and more are in this report that my staff compiled, which I'm going to ask be made part of the record. These allegations have repeatedly been made and they have all been proved false by independent counsels, by the Senate, or at times, even this committee. When we did get actual information and evidence, these wild accusations turned out to be inaccurate, and I submit that the wild accusations serving as the basis for the committee hearing are also without any foundation in fact. They are simply wild speculations to make sensational allegations in hopes that somebody might believe them, and if anybody disagrees with them, it's not based on the facts, it must be they're also part of this conspiracy.

So Mr. Chairman, I would ask unanimous consent that this report be made part of the record.

Mr. BURTON. Without objection.

Mr. WAXMAN. I thank you for that and I guess we'll look forward to what Mr. Gershel has to say, but if he doesn't say what fits the theory, then I am sure that he must be subject to some harangue because what this committee wants, at least what the leader of this committee wants, is for witnesses to say what he wants them to say to fit his theories. I very much doubt we're going to get any more evidence today to substantiate the theories that have been advanced for which no other evidence has substantiated them.

I yield back the balance of my time.

Mr. BURTON. Mr. Barr, did you have any comments? Any comments or—

Mr. FORD. We can submit them to the record, right?

Mr. BURTON. Sure, without objection. Any comments?

Mr. Horn.

Mr. HORN. Thank you very much Mr. Chairman. I think you might have recalled the hearing on July 20th. That hearing we informed you that we had obtained the original videotape of the December 15, 1995 White House coffee. We explained that we believed that the tape contained a statement by the Vice President that, "we oughta, we oughta, we oughta show Mr. Riady the tapes, some of the ad tapes," from the Vice President.

Then someone says, "I'll see if I can do that."

We explained the significance of that statement to the campaign finance investigation. We asked you if you wanted the original tape of that event. You refused to say whether you wanted it. We sent letters on July 18, 2000, and August 1, 2000, and asking if you wanted to have the original videotape of the event, and we got no answer.

Then yesterday, the day before this hearing, we got a letter from the Assistant Attorney General saying that the Justice Department wanted the tape. Why did it take so long for the Justice Department to ask for this tape?

Let me round out some of this some more before you answer. As you will recall at the July 20, 2000 hearing, we pointed out the Justice Department's sources had told the press that they did not believe that the videotape of December 15, 1995, that coffee, contained this statement by the Vice President. We pointed out that the Justice Department didn't even have the original copy of the tape when the Department of Justice staff made those disparaging statements. That isn't new to us.

Mr. BURTON. Mr. Horn, we're making opening statements now. We haven't sworn the witness yet or started asking questions. Are you into the questions now?

Mr. HORN. OK. Well, I will wait until everybody is under oath.

Mr. BURTON. Well, I apologize. I thought everyone knew we were making opening statements, but if you have an opening statement you would like to make at this time, it's OK. Would you rather wait? OK. If there are no other opening statements, Mr. Gershel would you stand please.

[Witness sworn.]

Mr. BURTON. Do you have a statement you'd like to make or just want to go to questions?

**STATEMENT OF ALAN GERSHEL, DEPUTY ASSISTANT
ATTORNEY GENERAL, U.S. DEPARTMENT OF JUSTICE**

Mr. GERSHEL. Yes Mr. Chairman I have a brief statement if I might read, please.

Mr. BURTON. Proceed.

Mr. GERSHEL. Good afternoon, Mr. Chairman and other members of the committee.

I am Alan Gershel, a Deputy Assistant Attorney General in the Criminal Division, a position I have held since January 2000. In that capacity, I have responsibility within the criminal division for supervising the Campaign Financing Task Force, the fraud section and the child exploitation and obscenity section.

I am a career Federal prosecutor on detail from the U.S. attorney's office for the eastern District of Michigan where I serve as the First Assistant and Criminal Chief. In my 20 years as a Federal prosecutor, I have supervised or personally prosecuted hundreds of Federal criminal cases, including public corruption and white collar matters as well as a wide range of other Federal offenses.

I am here today in response to the committee's subpoena. I understand from your recent letters, Mr. Chairman, that the committee has questions about matters relating to the Campaign Financing Task Force. I appreciate your identifying your questions in advance. I will do my best to address your concerns, but I am limited, as you know, by my ethical and professional responsibilities as a prosecutor in what I can say about pending criminal matters.

With respect to task force staffing, you asked about the staffing levels on the Department's investigation of the White House e-mail matter. Although the Department has a longstanding policy of not disclosing staffing levels for particular pending criminal matters, I can assure you that the Attorney General regularly consults with Robert Conrad, the chief of the Campaign Financing Task Force, and I, to ensure that the task force has the resources it needs. Bob and I both believe that the task force currently has sufficient staff to handle the White House e-mail matter as well as its other responsibilities.

I would also note that with respect to the White House e-mail matter the task force and the office of the independent counsel are working together in a coordinated investigation. So it is not just the task force's resources that are involved.

With respect to the committee's offer to turn over custody of the original videotape of the December 15, 1995 White House coffee, the Department yesterday sent Chairman Burton a letter accepting the committee's offer. We are always happy to receive information or other material that the committee believes may be relevant to an ongoing investigation. It would be inappropriate, however, for me to comment on whether the Department may have previously obtained the original videotape prior to it coming into the committee's possession.

With respect to the committee's recent practice of subpoenaing other government agencies or third parties for copy of the task force's grand jury subpoenas and other investigative requests for information, the Department has expressed its concern to the committee in writing about the use of congressional subpoena power to shadow the Department's ongoing investigations. We believe that this practice could undermine pending investigations by creating a substantial risk that sensitive and confidential investigative information will be disclosed to targets of investigations and to other persons who might use the information to thwart our law enforcement efforts.

We have also asked that the committee respect the executive branch's well-established third agency consultation practice, whereby an agency that receives a congressional or other request for documents or information that originated with another government agency consults with the originating agency before producing such documents or information. The committee has subpoenaed docu-

ment requests and other information from the State Department and the commerce Department, some of which may relate to pending criminal matters. The task force and the FBI have been reviewing responsive documents gathered by these departments and where appropriate, redacting information to ensure that pending criminal matters are not compromised.

This has been the Department's traditional approach when another executive branch agency is requested to produce documents that potentially implicate law enforcement interests. Our letter yesterday enclosed a letter documenting an example of the same approach being taken by the Department during the Bush administration. I would ask that our letter to the committee along with the enclosure be made a part of the record.

You asked about the status of the Charles Duncan matter which was referred to the Department by the committee in 1997. The matter was closed because the Senate legal counsel's office refused to allow the FBI to interview a Senate staffer who was the critical witness in the alleged perjury.

Finally, in your letter yesterday, Mr. Chairman, you asked a series of questions about the production of e-mails by the White House. Because your questions relate to pending criminal investigations being conducted by both the Department and the Office of the Independent Counsel, it would be inappropriate for me to comment on the evidence gathering process associated with that investigation. Similarly, it would be inappropriate for me to discuss the Attorney General's recent decision not to appoint a special counsel to handle certain matters involving the Vice President since the underlying matters continue to be subject of pending criminal investigation.

At this point, I would be happy to answer questions from the committee. Thank you.

Mr. BURTON. Thank you, Mr. Gershel.

[The prepared statement of Mr. Gershel follows:]

**Opening Statement by Alan Gershel
Deputy Assistant Attorney General, Criminal Division
U.S. Department of Justice**

**Before the Committee on Government Reform and Oversight
U.S. House of Representatives
September 26, 2000**

Good afternoon, Mr. Chairman and Members of the Committee.

I am Alan Gershel, a Deputy Assistant Attorney General in the Criminal Division, a position I have held since January 2000. In that capacity, I have responsibility within the Criminal Division for supervising the Campaign Financing Task Force, the Fraud Section, and the Child Exploitation and Obscenity Section. I am a career federal prosecutor on detail from the United States Attorney's Office for the Eastern District of Michigan where I serve as the First Assistant and Criminal Chief. In my 20 years as a federal prosecutor, I have supervised or personally prosecuted hundreds of federal criminal cases, including public corruption and white collar matters, as well as a wide range of other federal offenses.

I am here today in response to the Committee's subpoena. I understand from your recent letters, Mr. Chairman, that the Committee is interested in matters relating to the Campaign Financing Task Force. I appreciate your identifying your questions in advance. I will do my best to address your concerns, but I am limited, as you know, by my ethical and professional responsibilities as a prosecutor in what I can say about pending criminal matters.

Task Force Staffing

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Videotape of December 15, 1995 White House Coffee

With respect to the Committee's offer to turn over custody of the original videotape of the December 15, 1995, White House coffee, the Department yesterday sent Chairman Burton a letter accepting the Committee's offer. We are always happy to receive information or other material that the Committee believes may be relevant to an on-going investigation. It would be

inappropriate, however, for me to comment on whether the Department may have previously obtained the original videotape prior to it coming into the Committee's possession.

DNC and State Department Subpoenas

With respect to the Committee's recent practice of subpoenaing other government agencies or third parties for copies of the Task Force's grand jury subpoenas and other investigative requests for information, the Department has expressed its concern to the Committee in writing about the use of Congressional subpoena power to shadow the Department's on-going investigations. We believe that this practice could undermine pending investigations by creating a substantial risk that sensitive and confidential investigative information will be disclosed to targets of investigations and to other persons who might use the information to thwart our law enforcement efforts.

We have also asked that the Committee respect the Executive Branch's well-established "third-agency" consultation practice, whereby an agency that receives a congressional or other request for documents or information that originated with another government agency consults with the originating agency before producing such documents or information. The Committee has subpoenaed document requests and other information from the State Department and the Commerce Department, some of which may relate to pending criminal matters. The Task Force and the FBI have been reviewing responsive documents gathered by these Departments and where appropriate redacting information to ensure that pending criminal matters are not compromised.

This has been the Department's traditional approach when another Executive Branch agency is requested to produce documents that potentially implicate law enforcement interests. Our letter yesterday enclosed a letter documenting an example of the same approach being taken by the Department during the Bush Administration. I would ask that our letter to the Committee along with the enclosure be made be made part of the record.

Charles Duncan Matter

You asked about the status of the Charles Duncan matter, which was referred to the Department by the Committee in 1997. The matter was closed because the Senate Legal Counsel's Office refused to allow the FBI to interview a Senate staffer who was the critical witness in the alleged perjury.

Reconstructed White House E-mails

Finally, your letter yesterday, Mr. Chairman, asked a series of questions about the production of e-mails by the White House. Because your questions relate to pending criminal investigations being conducted by both the Department and the Office of the Independent Counsel, it would be inappropriate for me to comment on the evidence gathering process

associated with that investigation. Similarly, it would be inappropriate for me to discuss the Attorney General's recent decision not to appoint a special counsel to handle certain matters involving the Vice President, since the underlying matters continue to be the subject of pending criminal investigation.

At this point, I would be happy to answer questions from the Committee.

DAN BURTON, INDIANA
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ONE HUNDRED SIXTH CONGRESS
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House of Representatives
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INDEPENDENT

April 13, 1999

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, DC 20530

Dear Attorney General Reno:

On March 26, 1999, I wrote you regarding a March 22 letter you received from Chairman Burton asking you to investigate possible criminal violations by Charles N. Duncan, who has served since 1994 as Associate Director of the Office of Presidential Personnel at the White House. In that letter, I noted that I was preparing an analysis of the evidence relating to Mr. Duncan. I am now providing you with this information.

As I wrote in my March 26 letter, I believe that Chairman Burton's allegations are an indefensible smear against Mr. Duncan and that Chairman Burton's letter grossly distorts the facts and omits extensive exculpatory evidence. Chairman Burton's allegations are based almost entirely on his staff's notes taken during an informal interview of a former Senate staffer, Steven Clemons. Mr. Clemons, however, has repudiated Chairman Burton's characterization of his statements. Furthermore, there is additional extensive evidence which contradicts Chairman Burton's allegations.

A reprehensible practice is emerging in the Government Reform Committee in which the majority asks the Department of Justice to consider criminal charges against individuals whose testimony before the Committee is inconsistent with the majority's theories regarding misconduct in the Clinton Administration. On September 17, 1998, Rep. McIntosh wrote you to request that the Department of Justice investigate whether Deputy Counsel to the President Cheryl Mills committed perjury, lied to Congress, or obstructed justice during the Committee's White House Database investigation. This criminal referral was based on nothing more than a dispute involving the timing of the production of certain documents. More recently, on March 12, 1999, Chairman Burton wrote to ask you to investigate "several false statements" allegedly made to the Committee by Democratic contributor Ernest G. Green. The allegations against Mr. Green were promptly leaked to Robert Novak, who repeated them in his March 18 column in the Washington Post.

Unfortunately, Chairman Burton's referral regarding Mr. Duncan appears to be part of this practice.

Mr. BURTON. On September 18th of this year, I wrote to the Attorney General and asked for information regarding the staffing levels on the Justice Department's e-mail investigation. You declined to answer that question in your opening statement. So let me ask you one more time. How many attorneys have worked on the Justice Department's campaign task force e-mail matter since its inception, do you know?

Mr. GERSHEL. Mr. Chairman, it's been the practice of the Department not to comment specifically on numbers of people assigned or involved with investigations. I can assure you, though, that there have been sufficient resources devoted to this investigation.

Mr. BURTON. And in a report in May of this year, the GAO reported extensively on the staffing levels in the task force investigation. Why would you share that information with the GAO and not this committee?

Mr. GERSHEL. Mr. Chairman, I had no participation in the preparation of the GAO reports. I really can't speak to that issue.

Mr. BURTON. You're not familiar with that at all?

Mr. GERSHEL. I'm familiar with the report. I was not interviewed. I was not part of that process.

Mr. BURTON. Do you think it was wrong for them—

Mr. GERSHEL. I have no opinion on that.

Mr. BURTON. You say you can't give us that information but GAO got it?

Mr. GERSHEL. Mr. Chairman, I am not sure exactly what information GAO got or didn't get.

Mr. BURTON. We have heard the task force was using just one part-time lawyer to work on this e-mail investigation, and she recently quit to spend more time with her family; is that true?

Mr. GERSHEL. There was an attorney who was involved with this investigation who recently left the task force, that's true.

Mr. BURTON. She was a part-time attorney, was she not?

Mr. GERSHEL. Yes.

Mr. BURTON. What's the largest number of attorneys who worked on the task force e-mail investigation at any one time?

Mr. GERSHEL. Mr. Chairman, I can't answer that question. People come in and out of the investigation. Work on portions of the investigation, components of the investigation, contribute in different ways to an investigation. There's no one clear-cut answer to that question, and I could not provide you with specific numbers assigned to that case.

Mr. BURTON. Just give me a rough idea.

Mr. GERSHEL. I can't do that, sir.

Mr. BURTON. How many of the task force lawyers are currently assigned to the e-mail investigation?

Mr. GERSHEL. Again, Mr. Chairman, I believe I've answered the question that I cannot comment specifically on numbers assigned to the investigation.

Mr. BURTON. So if I ask you how many were assigned 2 weeks ago, you would give me the same answer?

Mr. GERSHEL. Yes, sir, I would.

Mr. BURTON. Was the attorney that recently quit the only attorney that was working on the e-mail at that time?

Mr. GERSHEL. Mr. Chairman, again, various people both at the Campaign Financing Task Force and the Office of Independent Counsel have been involved in this investigation from its inception.

Mr. BURTON. Can you give me a rough idea how much time you devote to the e-mail investigation?

Mr. GERSHEL. I believe I devote sufficient time to the investigation. I participate in the investigation to the extent that I'm needed.

Mr. BURTON. Have you made yourself familiar with the basic facts of the investigation?

Mr. GERSHEL. Yes, sir, I have.

Mr. BURTON. On March 30, 2000, this committee made a referral of Daniel Barry to the Justice Department for false statements that Barry made in the Filegate lawsuit. Are you familiar with the committee's referral?

Mr. GERSHEL. Yes, sir, I am.

Mr. BURTON. The committee learned that on August 1, 2000, you informed Mr. Barry that he was not a target in the task force investigation. Why was that decision made?

Mr. GERSHEL. Mr. Chairman, that goes right to a decision made in connection with a pending open investigation, and it would be inappropriate for me to comment on that.

Mr. BURTON. Did you participate at all in Mr. Barry's interview?

Mr. GERSHEL. Mr. Chairman, it would be inappropriate to indicate who participated in the interview of Mr. Barry.

Mr. BURTON. Well, you signed the letter informing Mr. Barry he was not a target. Why did you sign that letter instead of Mr. Conrad, who is the head of the task force?

Mr. GERSHEL. There was no specific reason why it was signed by me as opposed to someone else. I had participated in that investigation. I was part of the decisionmaking process, and it seemed appropriate under the circumstances for me to sign that letter.

Mr. BURTON. Well, there's an exhibit 10 that I want to show, because you say you have been intimately involved in this and following it from the beginning. There's a letter that you signed informing Mr. Barry that he's not the target. If you notice, his name isn't even spelled correctly, and it just boggles my mind that something of that significance sent to somebody wouldn't even—I mean, if you were really familiar with it, you would think that you would spell a target, a possible target's name correctly.

[Exhibit 10 follows:]

251



U.S. Department of Justice

Criminal Division

Deputy Assistant Attorney General

Washington, DC 20530-0001

August 1, 2000

Steve Ryan, Esq.
1501 M Street, N.W.
Suite 700
Washington, DC 20005

Re: Daniel Barrie

Dear Mr. Ryan:

As you are aware, the Department of Justice's Campaign Financing Task Force ("the Task Force") is presently conducting an investigation into allegations that an affidavit signed by your client, Daniel Barrie, and submitted to the Court in connection with the civil case of Alexander v. Federal Bureau of Investigation, et. al., may have contained false information. The Task Force has interviewed your client about this matter. Please be advised that your client is not currently a target of that investigation.

I am providing this information to you in anticipation of your client's continued complete and truthful cooperation in this investigation.

Sincerely,

Alan Gershel
Deputy Assistant Attorney General



DAB 0017

Mr. GERSHEL. I certainly apologize if I misspelled Mr. Barry's name, but without meaning any disrespect, sir, misspelling his name is not indication of my lack of familiarity with the investigation.

Mr. BURTON. Did you make the decision that Barry was not a target or was this a unilateral decision? Did you make it or did somebody else make it?

Mr. GERSHEL. Mr. Chairman I am not going to comment upon the decisionmaking process as it concerns Mr. Barry's status. It is a pending matter.

Mr. BURTON. Yesterday you did ask for the tapes that we have, the original tapes of the White House meeting in December, I think it was 1995, was it not?

Mr. GERSHEL. Yes, sir, it was.

Mr. BURTON. You asked for that yesterday. Can you just tell me, I wrote to you not once, not twice, but three or four times about would you like to look at that, have you looked at that and we received no response. Can you explain why you didn't look at that, didn't pay attention to our correspondence until you were subpoenaed, until yesterday? Do you have any idea?

Mr. GERSHEL. Mr. Chairman, we always pay attention to your correspondence, I can assure you of that.

Mr. BURTON. I am sure of that.

Mr. GERSHEL. But second, I think I would like to refer back to Mr. Robinson's comments when he testified back on July 20th when those questions were raised, and his answer then and my answer now would be that we're always happy and interested in receiving information from the committee that they believe to be relevant to an investigation, and that is why that content—

Mr. BURTON. You're probably not going to be able to answer this question but it does kind of bother me a little bit. The Attorney General said she found no evidence that would involve the necessity of an investigation of Vice President Gore, and yet this particular issue, these tapes weren't even requested, even though we offered them several times to the committee to look at before she made that decision. I can't understand why that wasn't an integral part of the investigation before she made that decision. Do you have any idea why that happened?

Mr. GERSHEL. Mr. Chairman, are you asking about which decision now?

Mr. BURTON. Well, the decision to say that they should not have a special investigator or prosecutor to look into the allegations that the Vice President knew about these campaign finance coffees and the Hsi Lai temple and other things, because this particular tape is relevant to whether or not he was aware of and involved with the campaign finance problem we're talking about. So why didn't they look at these tapes even though we offered them several times before that decision was made?

Mr. GERSHEL. Again, Mr. Chairman, it's inappropriate for me to comment what was looked at and what was not looked at. I don't know precisely what the Attorney General looked at and what she considered in making her decision concerning the special counsel.

Mr. BURTON. She has made her decision. This is my last question. She has made her decision and now, finally they're going to

look at the tapes, and my question is, what if they find something wrong? She has already made the decision they're not going to investigate. Does that mean they reopen this?

Mr. GERSHEL. Mr. Chairman, the Attorney General, from my own personal experience in the 10 months I have been here, closely follows the investigations of the Campaign Financing Task Force. We have regular meetings with her. She is interested and involved and engaged in the process, and I have no doubt that if there was information that we believed or the task force believed was relevant to that decision, that we would be comfortable in bringing it to her attention and she would evaluate its significance.

Mr. BURTON. Well, I am glad you're looking at it finally.

Mr. Waxman.

Mr. WAXMAN. Thank you, Mr. Chairman. I know you went over your time. I think you took around 9 minutes and I hope you will allow me extra time if I need it.

Mr. Gershel, you're a career—are you a political appointee?

Mr. GERSHEL. No, sir, I am not.

Mr. WAXMAN. Are you a career person at Justice?

Mr. GERSHEL. I am a career prosecutor. I have been an assistant U.S. attorney in the eastern District of Michigan since 1980.

Mr. WAXMAN. So you have been there during Democratic and Republican administrations?

Mr. GERSHEL. Both.

Mr. WAXMAN. Mr. Burton used pretty blunt language in criticizing the Department's e-mail investigation. On March 27th, the chairman wrote a strongly worded letter to Attorney General Reno in which he said that, "because you and your staff are in charge, the proposed investigation is fatally flawed." And then on March 29th he wrote a letter to Judge Royce Lamberth in which he said that the Justice Department took no steps to determine whether reports about the e-mail problems were true.

Now, I admit the fact that Chairman Burton's criticizing the Department of Justice investigation is not exactly newsworthy, but what is particularly unfair about these criticisms is that they omit a highly relevant fact: namely, that the Department's e-mail investigation has been carried out in coordination with the Office of Independent Counsel Robert Ray.

Mr. Gershel, can you confirm for me that the Department's e-mail investigation has been carried out in coordination with Independent Counsel Ray?

Mr. GERSHEL. Yes. We've had a cooperative investigation for a number of months now with the Office of Independent Counsel.

Mr. WAXMAN. And has the Department impeded or limited the scope of Mr. Ray's e-mail investigation?

Mr. GERSHEL. Not at all.

Mr. WAXMAN. It seems to me that the chairman is being a little unfair here. If there are any problems with the criminal investigation into the e-mail matter, Independent Counsel Ray would seem to share the responsibility. Instead, Chairman Burton has chosen to single out the Attorney General without even mentioning Mr. Ray. He writes angry letters to the Attorney General accusing her of failing to interview so-called key witnesses in this e-mail matter, but he fails to mention that Independent Counsel Ray has appar-

ently concurred with the Department's decisions about whom to interview, and he makes you sit in this hot seat here, Mr. Gershel, all by yourself without even inviting Mr. Ray to discuss his own e-mail investigation before our committee.

To make things even stranger, Chairman Burton has also called repeatedly for the appointment of a special counsel to investigate the e-mail matter even though we already have an independent counsel looking into the matter.

Mr. Gershel, can you think of any reason why we need a special counsel to investigate a matter that's already been investigated by an independent counsel?

Mr. GERSHEL. No, sir I can't.

Mr. WAXMAN. Now, it seems—a lot seems to be placed on the fact that maybe you didn't look at a tape, and as I understand, you wrote back saying you're happy to see whatever information the committee has. Does that mean—does that mean you didn't have the tape or you don't pay attention to the tape or that you don't attach the same significance to it, or what does that mean?

Mr. GERSHEL. I think that what we meant by that letter and what we mean when we indicate that we will look at the tape means that we're happy to receive evidence from the committee. If the committee believes it's something we ought to be looking at, we're more than happy to look at it. With respect to what we have looked at, what videotapes we have reviewed of various coffees, sir, that would be inappropriate at this time for me to comment on that, but we will ask, if we haven't already done so, for the original videotape in the possession of this committee.

Mr. WAXMAN. So you, a career prosecutor having been there for 20 years under both Republican and Democratic administrations, are here in the hot seat because you're not willing to tell this committee about the investigation you're conducting with the Independent Counsel, and where you are, whether you have reached the same conclusions. Or I guess basically you're here because you haven't said what the chairman wants you to say, and that, I suppose, is that the Democrats are bad guys, Gore's no good, everybody's corrupt, and that you're impeding an investigation because you don't want anybody to know about that.

Mr. GERSHEL. This investigation has been ongoing. I have been involved in this investigation at different levels. It's been my impression, having been a prosecutor for a number of years, that this investigation has moved forward thoroughly, comprehensively, appropriately, and we have not been hindered or obstructed or prevented from looking where we think we need to look.

Mr. WAXMAN. Do you think that Independent Counsel Ray has been pulling his punches in order to protect the Clinton administration?

Mr. GERSHEL. I don't think so.

Mr. WAXMAN. Because I would think that's the conclusion one would have to reach with the accusations that are being made against the Justice Department.

Mr. GERSHEL. I certainly wouldn't want to comment on the intentions of the independent counsel, but I will tell you from my experience in working with him in his investigation, they have been very

aggressive and very thorough, just as we have been, in the search for the truth.

Mr. WAXMAN. Aside from misspelling a man's name, is there any other besmirch on your record of integrity and honesty and good spelling—

Mr. GERSHEL. I would hope not.

Mr. WAXMAN [continuing]. That this committee should know about?

Mr. GERSHEL. I would hope not.

Mr. WAXMAN. Thank you. Mr. Chairman, I don't know, the red light is on. I don't know how much more time I would have. I certainly have a lot of other questions but I don't want to abuse the time. Oh, I have 2 more minutes.

Mr. BURTON. Sure.

Mr. WAXMAN. Well, Chairman Burton issued a series of subpoenas to the White House, the Commerce Department, State Department, the Democratic National Committee—isn't it great you can just issue subpoenas? You can issue them to everybody—and these subpoenas called for the production of all documents, requests, subpoenas and interview requests made by the Justice Department's Campaign Financing Task Force as a part of its criminal investigation. It is my understanding that the Department of Justice has expressed serious concern about the committee's use of its subpoena power to shadow its ongoing investigation.

Mr. Gershel, I would like to ask you a few questions about the role of a Federal grand jury in criminal investigation and the reasons why activities and deliberations of a grand jury are kept secret. A grand jury doesn't do its business in open court, isn't that correct?

Mr. GERSHEL. That's correct.

Mr. WAXMAN. And in fact when prosecutors question a witness before a grand jury, the witness' attorney isn't even permitted in the room, isn't that correct?

Mr. GERSHEL. That is correct.

Mr. WAXMAN. The Supreme Court has explained a number of reasons why a Federal grand jury needs to conduct its business in private. One reason is to ensure that people who are accused but later exonerated by the grand jury will not be held up to public ridicule. Isn't that correct?

Mr. GERSHEL. Yes, sir, it is.

Mr. WAXMAN. Another reason grand juries operate in secret is to protect witnesses from retribution or improper inducements and to encourage witnesses to testify fully and frankly, correct?

Mr. GERSHEL. That is correct.

Mr. WAXMAN. Another reason is to allow the individual grand jurors to conduct their deliberations without improper interference, correct?

Mr. GERSHEL. That is correct.

Mr. WAXMAN. And another reason grand juries operate in secret is to prevent those who are about to be indicted from fleeing and escaping justice, isn't that correct?

Mr. GERSHEL. Yes, sir, it is.

Mr. WAXMAN. So there are many reasons for grand jury secrecy, but Chairman Burton, through a series of subpoenas issued to the

White House and all the others, Justice Department and so on and so forth, has tried to look around the veil of secrecy surrounding Federal grand juries and use this information for his own partisan purposes. In the process I believe he's undermining the secrecy of the grand jury protections.

And I see my time has expired. Thank you, Mr. Chairman.

Mr. BURTON. Gentleman's time has expired.

Mr. HORN.

Mr. HORN. Thank you, Mr. Chairman. I'm curious. Why can't the Department of Justice tell us about the staffing levels for the e-mail investigation? Under what authority do you have not to tell us about the staffing level?

Mr. GERSHEL. Congressman, if you're asking me to give you legal authority for that, for my decision not to comment on that, I cannot give you that.

Mr. HORN. Well, whose authority is it?

Mr. GERSHEL. It has been my understanding that it has been the practice of the Department of Justice, not just with this administration but previous administrations, to not comment upon specific staffing levels. There are a number of reasons for that, including, for example, it may suggest an importance or lack of importance with respect to the investigation based simply on how many people are assigned to it.

As I said at the outset, to the extent this committee is concerned that the investigation is not proceeding because it has inadequate resources, that's simply not the case. There are more than adequate resources assigned to this investigation, both from the Campaign Financing Task Force and the Office of the Independent Counsel.

Mr. HORN. Does the Attorney General have a memorandum anywhere in any policy binder that—which says when you come before a congressional committee you're under oath, you're asked a question, that you can't sit there unless you're going to take the fifth, but it seems to me where is the authority of the Attorney General or anyone there to say we don't reveal levels of personnel. Does the AG have that? Have you ever read it? Have you ever seen it?

Mr. GERSHEL. Congressman, I have not seen that but I am certainly willing to go back and talk to my superiors, and I'm more than happy to get back to you and the committee on that specific question.

Mr. HORN. Well, the facts of life are in this town that if you don't have it in either a Presidential Executive order, a regulation issued by the Attorney General, you respond to the congressional inquiry when we ask a question.

Mr. GERSHEL. What I'm trying to explain to you, sir, that even if I was comfortable in responding to a question of that nature, what makes the question difficult is the fact that at any given time the number of people assigned to the case is going to vary; moreover because another agency, the Office of Independent Counsel is involved, I am not familiar with their staffing level. I don't know how many people they assign to the case, and it would be pure speculation on my part as to guess to that part, but nevertheless they are a key component of this investigation.

Mr. HORN. We were told months ago that one individual part time was on the campaign finance investigation. Is that true or false?

Mr. GERSHEL. Mr. Horn, again—Congressman Horn, again my answer is that I cannot—I prefer not to comment. It is inappropriate for me to comment on specific numbers assigned to the investigation.

Mr. BURTON. Mr. Horn, would the gentleman yield just a moment? We think that the Justice Department doesn't have the right to refuse to answer this question, and we're prepared to hold this hearing open and have you come back under subpoena until you answer that question because that question is relevant, whether or not we're really getting into this e-mail investigation and whether or not the Justice Department is serious about it.

Mr. Horn.

Mr. HORN. Mr. Chairman, if I might, it seems to me they gave the levels to the General Accounting Office.

Mr. BURTON. That's correct.

Mr. HORN. So I don't know why it can't be given to a body of the House of Representatives, and I assume in your preparation for this particular hearing that you looked at the staffing levels, knowing we would ask it, and then you also knew that you would say, oh, sorry, we can't tell you, and I think that's pretty bad of this operation but we have known that for several years. So why can't you give us the basic information?

Mr. GERSHEL. Congressman, just so we're clear, it is my understanding that the information provided to the GAO was not broken down specifically by investigative matter. Rather, the GAO was given total and aggregate numbers of the task force attorneys assigned to total task force investigations, not specifically how many were assigned to the e-mail investigation or any other specific, discreet investigation.

Mr. HORN. Well, I will go back then, Mr. Chairman, if I might, if I have time, on this particular videotape where the Vice President seems to say, "We oughta, we oughta, we oughta show Mr. Riady the tape, some of the ad tapes," and he was enthusiastic about it. Then there's a voice that says, "I'll see if I can do that," who was obviously a staff member following the Vice President around. Now, there have been an exchange of letters between this committee and the Department of Justice that was sent out by this group, and we explained the significance of that statement to the campaign finance investigation and we asked you if you wanted the original videotape of the event, which we just happened to have. You refused to say, you're Assistant Attorney General, you refused to say whether you wanted it. We sent letters July 18th, August 1st, asking if you wanted the original videotape of the event. We got no answer. Then yesterday, the day before the hearing, and this is where it always happens here, we got a letter from the Assistant Attorney General saying that the Justice Department wanted the tape. Why did it take so long for the Justice Department to ask for this tape?

Mr. GERSHEL. Sir, as I have indicated several times now, regarding the decision to seek or not seek that tape is not something I am prepared to address. I have indicated that we are interested

and willing and happy and want to review evidence that the committee thinks is relevant. We have done that. We'll look at it.

Mr. BURTON. Gentleman's time has expired. We'll come back to you in just a few minutes.

Mr. HORN. I am going to have to leave.

Mr. BURTON. Maybe we can yield you some time after Mr. Ford.

Mr. FORD. I yield him 30 seconds.

Mr. BURTON. Without objection.

Mr. HORN. What worries me, and what always does, is you have so many leads out of the White House, out of the Justice Department and of course they just downplayed this in terms of somebody that's talking down there, and they're the political spinners in order to get everybody off the trail or to denigrate the evidence and make flamboyant statements and say, oh, we did that a year ago, so that isn't for us to think about now.

That's the typical game in this administration. I think it is reprehensible. It violates any feeling of ethics and the Assistant Attorney General said he thought the leaks at DOJ were harmful to the investigation, and, well, whatever happened in terms of the DOJ people that denigrated the evidence there of that videotape that seemed to be the Vice President of the United States? So whatever happened to the people that were squealing and trying to run this evidence down?

Mr. GERSHEL. Sir, I am going to ask if you wouldn't mind, I apologize, but I am not sure I understand the specific question you're asking me.

Mr. HORN. Well, I hope you think about it, and I hope you try to get some responses for this committee.

Mr. BURTON. I am sorry you have to leave, Mr. Horn. Thank you for your participation. Mr. Ford has graciously said you can go ahead, Mr. Gilman.

Mr. GILMAN. I want to thank Mr. Ford and I regret that I have another meeting on, but I would like to ask Mr. Gershel one question. I am looking at page E-8701, dated February 22, 1996, 11:43 a.m., from Joel Velasco to Albert Gore, subject, Carter Eskew request. "Carter wants to be able to e-mail you from his office. We have some options. Give Carter your special e-mail address that Michael Gill had set up earlier or give Carter my e-mail or Heather/Liz, and we would forward all e-mail from Carter to you. You would have to do the same to send him e-mail. Reminder, and this is what I would like to ask about, all Internet e-mails are recorded on the White House computers. According to Michael, the only way not to have your e-mails backed up on government computers would be to get a Clinton/Gore computer in your office and set it up for private e-mails. Question: How would you like to proceed on this?"

Is this a usual method of avoiding the computer recording of these e-mails? I've never heard of this procedure. Have you?

Mr. GERSHEL. Congressman Gilman, you're asking me—I'm sorry, I missed the citation to what—

Mr. GILMAN. E-8701, dated February 22, 1996, 11:43 a.m. What I'm asking about is the reminder that he puts in that e-mail, all Internet e-mails are recorded on the White House computers. According to Michael—I don't know who Michael is, Michael Gill, I

guess—the only way not to have your e-mails backed up on the government computers would be to get a Clinton/Gore computer in your office and set it up for private e-mails.

Is that something that's been happening in the White House?

Mr. GERSHEL. Congressman, for me to answer the question would put me in the position of commenting upon——

Mr. GILMAN. I am just asking about procedure. I don't want you to comment. Is this a normal procedure?

Mr. GERSHEL. Sir, the question would require me to comment regarding the scope and the nature of the investigation and—but it would be inappropriate for me to do that at this time.

Mr. GILMAN. Well, can you respond to the committee at a later date and tell us whether this is a procedure that is undertaken in normal events at the White House in order to avoid having a computer backup?

Mr. GERSHEL. At a subsequent point in time, if it is appropriate to respond publicly to your question, we would certainly do that.

Mr. GILMAN. Well, Mr. Chairman, I hope that we can get a response at a later date. Thank you, Mr. Chairman. I want to thank Mr. Ford.

Mr. BURTON. So do I, but don't hold your breath.

Mr. Ford.

Mr. FORD. Thank you, Mr. Chairman, and, Mr. Gershel, very quickly can you tell me the number of attorneys at the Department of Justice that are currently working on investigations from police departments around the Nation regarding racial profiling? Can you give me the aggregate number of—the specific number that are working in the Philadelphia Police Department, the New York Police Department, the other departments that have been—some concerns have been raised about how they treated certain people in their communities?

Mr. GERSHEL. Congressman Ford, frankly, I have no idea.

Mr. FORD. OK. 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 advertisements be played for a particular Democratic donor. I think my friend Mr. Horn was trying to get at that. This Democratic donor has been the subject of campaign finance probes. According to Chairman Burton, Mr. Gershel, Vice President Gore apparently states, "We oughta, we oughta, we oughta" show this Democratic donor the tapes, "some of the ad tapes."

Let me deal with the facts for one moment. I know Chairman Burton remembers this, that he played the videotape at a July 20, 2000 hearing of this 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 and that Reuters reporter describing the playing of the videotape at the hearing wrote, "Gore's muffled words were not clear."

When Chairman Burton played the tape on Fox television's program, *Hanity and Combs*, the person whose job it is to transcribe the show, transcribed the tape excerpt as follows. "we oughta, we oughta show that to," and it was unintelligible here, "let," again

unintelligible, "tapes some of the ad tapes," again unintelligible, "just to set the record straight."

I want to take a moment if I can, Mr. Chairman, and set the record straight regarding one Charles Duncan. In March 1999 Chairman Burton sent a letter to the Department of Justice asking the Department to investigate whether Charles Duncan, then Associate Director of the Office of Presidential Personnel at the White House, made false statements under oath to this committee. This referral was part of an unfortunate pattern in this committee in which the majority asked the Justice Department to consider criminal charges against a witness who has provided testimony that is inconsistent with the majority's theory.

In the case of Mr. Duncan, Chairman Burton alleged that Mr. Duncan may have made false statements in his answers to interrogatories in April 1998. The main basis for the chairman's claim is that Mr. Duncan's responses were, "irreconcilable" with notes Mr. Burton's staff took regarding unsworn statements purportedly made by another witness, Steve Clemons, during a December 1997 interview with the majority staff.

There were serious flaws with the chairman's allegations. Mr. Clemons first was interviewed by two junior majority attorneys without representation of counsel, and minority staff was not invited. Unlike the statements of Mr. Duncan, Mr. Clemons' statements were not made under oath. Further, immediately after the majority released the majority's staff 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.

In addition, the chairman's letter referring Mr. Duncan to the Department of Justice failed to mention sworn testimony of several other witnesses that supported Mr. Duncan's statement.

After Mr. Burton wrote the Department of Justice with the referral of Mr. Duncan, Mr. Waxman provided the Department of Justice with relevant evidence omitted by the chairman's letter. I would like to enter this letter into the record.

[The information referred to follows:]

DAN BURTON, INDIANA
CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. NOBLE, MARYLAND
CHRISTOPHER B. RAY, CONNECTICUT
LEANA NOZ-LEHTINEN, FLORIDA
JOE L. BROWNE, NEW YORK
J. W. HORN, CALIFORNIA
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DAVID M. NICHOLS, INDIANA
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NATHANIEL "NATE" SANFORD, SOUTH CAROLINA
BOB BARR, GEORGIA
DAN MILLER, FLORIDA
ADA H. SCHIMMEL, ARIZONA
LEE TERRY, NEBRASKA
JOHN ROBERT, ILLINOIS
GREG WALDEN, OREGON
DOUG GIBB, CALIFORNIA
PAUL RYAN, WISCONSIN
JOHN T. DOSTITTE, CALIFORNIA
HELEN CHLONOWETH, IDAHO

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ELEANOR HOLMES NORTON,
DISTRICT OF COLUMBIA
SHARMA PATRA, PENNSYLVANIA
ELIJAH E. CLEMONS, MARYLAND
DENNIS J. KUCINICH, OHIO
ROD R. BLASQUETON, ILLINOIS
DANNY R. DAVIS, ILLINOIS
JOHN F. TETENY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLUM, MAINE
HAROLD E. FORD, JR., TENNESSEE
BERNARD SANDERS, VERMONT,
INDEPENDENT

April 13, 1999

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, DC 20530

Dear Attorney General Reno:

On March 26, 1999, I wrote you regarding a March 22 letter you received from Chairman Burton asking you to investigate possible criminal violations by Charles N. Duncan, who has served since 1994 as Associate Director of the Office of Presidential Personnel at the White House. In that letter, I noted that I was preparing an analysis of the evidence relating to Mr. Duncan. I am now providing you with this information.

As I wrote in my March 26 letter, I believe that Chairman Burton's allegations are an indefensible smear against Mr. Duncan and that Chairman Burton's letter grossly distorts the facts and omits extensive exculpatory evidence. Chairman Burton's allegations are based almost entirely on his staff's notes taken during an informal interview of a former Senate staffer, Steven Clemons. Mr. Clemons, however, has repudiated Chairman Burton's characterization of his statements. Furthermore, there is additional extensive evidence which contradicts Chairman Burton's allegations.

A reprehensible practice is emerging in the Government Reform Committee in which the majority asks the Department of Justice to consider criminal charges against individuals whose testimony before the Committee is inconsistent with the majority's theories regarding misconduct in the Clinton Administration. On September 17, 1998, Rep. McIntosh wrote you to request that the Department of Justice investigate whether Deputy Counsel to the President Cheryl Mills committed perjury, lied to Congress, or obstructed justice during the Committee's White House Database investigation. This criminal referral was based on nothing more than a dispute involving the timing of the production of certain documents. More recently, on March 12, 1999, Chairman Burton wrote to ask you to investigate "several false statements" allegedly made to the Committee by Democratic contributor Ernest G. Green. The allegations against Mr. Green were promptly leaked to Robert Novak, who repeated them in his March 18 column in the Washington Post.

Unfortunately, Chairman Burton's referral regarding Mr. Duncan appears to be part of this practice.

The Honorable Janet Reno
 April 13, 1999
 Page 2

I. CHAIRMAN BURTON'S ALLEGATIONS

Chairman Burton believes that Charles Duncan may have made false statements in his April 20, 1998, answers to six interrogatories from the Committee. Three of the answers concerned possible communication between Mr. Duncan and Mr. Clemons when Charlie Trie was under consideration for an appointment to the Commission on United States-Pacific Trade and Investment Policy ("Bingaman Commission"). In his answers, Mr. Duncan stated that he never said Mr. Trie's name came from high levels in the Administration; that he never said Mr. Trie was a "must appointment"; and that to the best of his recollection, no one ever expressed opposition to Mr. Trie's appointment to the Bingaman Commission.

The other three answers concerned the role of political contributions in appointments. Mr. Duncan stated that he never checked the amount that potential appointees to the Bingaman Commission contributed to the DNC or the Clinton/Gore campaign; that he never checked the amount that potential appointees to other positions gave to either the DNC or the Clinton/Gore campaign; and that he did not keep in his possession a list of donors or supporters of the DNC or the Clinton/Gore campaigns.

Chairman Burton believes that Mr. Duncan's responses may be false because they are "irreconcilable" with notes that his staff took during an interview with Mr. Clemons, who was a staff member in Senator Jeff Bingaman's office during the time that the Administration was forming the commission. According to the majority's interview notes, Mr. Clemons told Chairman Burton's staff that Mr. Duncan told Mr. Clemons that Mr. Trie's appointment came from "high up in the White House"; that Mr. Trie was an "absolutely must appointment"; and that Mr. Duncan "checked all recommendations for the Bingaman Commission against a list of donors to the DNC and the campaign." Also according to the notes, Mr. Clemons sent a series of e-mails and had a series of phone conversations with Mr. Duncan in which he objected to Mr. Trie being on the Bingaman Commission.

II. THE ACTUAL RECORD DOES NOT SUPPORT CHAIRMAN BURTON'S ALLEGATIONS

A. Steven Clemons Has Repudiated Chairman Burton's Allegations

The so-called "testimony" of Steven Clemons referred to in Chairman Burton's letter is almost the entire basis for Chairman Burton's claims that Mr. Duncan made false statements to the Committee. Yet even Mr. Clemons disagrees with Chairman Burton's characterizations of his statements.

Steven Clemons was interviewed in his office by two junior attorneys on the majority Committee staff on December 5, 1997, and on December 10, 1997. The minority staff was not invited to these interviews, nor was Mr. Clemons represented by counsel. Mr. Clemons never testified under oath before the Committee -- either in a hearing or in a deposition -- and he never was asked to answer written interrogatories. The "testimony" referred to by Chairman Burton is

The Honorable Janet Reno
 April 13, 1999
 Page 3

not testimony, but the majority staff's notes characterizing what Mr. Clemons told them.

Chairman Burton released his staff members' interview notes in February 1998. Mr. Clemons immediately issued a statement complaining about the release and disputing the accuracy of the notes, a copy of which is attached. According to the statement released by Mr. Clemons on February 25, 1998:

I had never seen these notes before, and I have never been given an opportunity by the Committee to acknowledge whether they accurately represent the discussion I had with members of the majority staff of the House Government Reform and Oversight Committee. In fact, the notes have significant inaccuracies and misrepresentations . . . about the important matters which were discussed.

Moreover, Mr. Clemons's statement that the majority's characterization of his interview contained "significant inaccuracies and misrepresentations" was confirmed by the minority staff. After the majority staff attorneys interviewed Mr. Clemons, two attorneys from my staff interviewed him, including my Chief Investigative Counsel. Unlike the majority's previous interviews, this interview occurred in the presence of Mr. Clemons' counsel.

During this interview, Mr. Clemons said that the minority staff asked him much more specific and comprehensive questions about Mr. Trie's appointment to the Bingaman Commission than he had been asked in his prior interviews by the majority attorneys. In fact, Mr. Clemons provided information that puts his contacts with Mr. Duncan in a vastly different context than that provided in the majority staff's interview notes. For example, Mr. Clemons said that he never had more than a very brief conversation with Mr. Duncan; that he believed Mr. Duncan was not a decision maker; and that Mr. Duncan never mentioned the Democratic National Committee, donors, or political contributions. Mr. Clemons said that Mr. Duncan told him that Mr. Trie was a small businessman and that small business experience was important on the Bingaman Commission.

B. Documentary Evidence Contradicts Chairman Burton's Allegations

Documentary evidence also raises questions about the accuracy of the facts in the majority interview notes. For example, while the notes say that Mr. Clemons "raised objections to two other individuals being appointed: Ko-Yung Tung and Jackson Tai," a letter from Senator Bingaman to President Clinton states that the Senator "think[s] there is a good rationale for Ko-Yung Tung [and] Jack Tai" being appointed to the Bingaman Commission. See Letter from Senator Jeff Bingaman to President Bill Clinton (July 26, 1995).

Furthermore, in discussing the Executive Order that changed the size of the Bingaman Commission to allow more than 15 members, the majority notes say that "[t]his expansion was in no way done at Bingaman's request." However, a letter from Senator Bingaman specifically suggests that "the Executive Order be amended" to allow more commissioners. See *id.* In fact, documents show that less than two months after the date of this letter from Senator Bingaman, the Administration began working on amending the Executive Order to allow more than 15

The Honorable Janet Reno
 April 13, 1999
 Page 4

members.

C. Chairman Burton Omitted Sworn Testimony which Fully Supports Mr. Duncan's Account

Chairman Burton's letter also failed to inform you that the Committee deposed a number of other witnesses whose testimony indicates that Mr. Duncan was truthful in his testimony regarding Charlie Trie's appointment to the Bingaman Commission. Each one of these deponents corroborated Mr. Duncan's account.

1. The Deposition Testimony of Lottie Shackelford, Bob Nash, and Ernest Green

Mr. Duncan testified in his deposition that he had conversations about Mr. Trie with three people who knew Mr. Trie from Arkansas: Lottie Shackelford, Bob Nash, and Ernest Green. All three were deposed by the Committee. Their testimony corroborates the deposition testimony of Mr. Duncan.

Lottie Shackelford. In her deposition, Ms. Shackelford, a former mayor of Little Rock, testified that Mr. Duncan asked her about Mr. Trie. Deposition of Lottie Shackelford at 52. Ms. Shackelford testified that she spoke favorably of Mr. Trie to Mr. Duncan, did not discuss Mr. Trie's political contributions with Mr. Duncan, and indicated that Mr. Trie was fit to serve in a government position. *Id.* at 52-55. This is consistent with Mr. Duncan's testimony. Deposition of Charles Duncan at 98-99, 101-02.

Bob Nash. Mr. Nash, the head of the Office of Presidential Personnel, testified in his deposition that Mr. Duncan asked him about Mr. Trie, that he spoke favorably of Mr. Trie to Mr. Duncan, and that he told Mr. Duncan that he felt that Mr. Trie was qualified to serve on the Bingaman Commission. Deposition of Bob Nash at 92-93. This is consistent with Mr. Duncan's testimony regarding his conversation with Mr. Nash. Deposition of Charles Duncan at 99.

Ernest Green. Mr. Green also testified in his deposition that he recommended to Mr. Duncan that Mr. Trie receive an Administration appointment, and that they had a follow-up conversation where Mr. Duncan told Mr. Green that Mr. Trie was being considered for a trade advisory board and asked if Mr. Green would support him. Deposition of Ernie Green at 127, 137-38. This is consistent with Mr. Duncan's testimony regarding his conversation with Mr. Green. Deposition of Charles Duncan at 99-100.

2. The Deposition Testimony of Phyllis Jones and Peter Scher

Mr. Duncan also spoke about Mr. Trie's appointment with the U.S. Trade Representative staff. The deposition testimony of Phyllis Jones corroborates the deposition testimony of Mr. Duncan. Furthermore, the deposition testimony of Peter Scher is not only consistent with the testimony of Mr. Duncan, but directly refutes the majority staff's characterization of what was purportedly said during the interview of Mr. Clemens.

The Honorable Janet Reno
 April 13, 1999
 Page 5

Phyllis Jones. Ms. Jones was the Assistant U.S. Trade Representative who served as the "gatekeeper" for the many names suggested for the 34 advisory committees associated with USTR. Names came from sources such as members of Congress, the State Department, the Commerce Department, and the National Economic Council. Deposition of Phyllis Jones at 23, 37, 106. Ms. Jones testified that the Administration was seeking candidates with diverse backgrounds of geographies, ethnic groups, industries, and business size for the Bingaman Commission. *Id.* at 21. Ms. Jones said that Mr. Duncan brought Mr. Trie's name to her attention, and that Mr. Trie was suggested because he was both a small businessman and an Asian-American -- not because of his political contributions or affiliation with the DNC. *Id.* at 58-60. Ms. Jones also corroborated Mr. Duncan's testimony that he never described Mr. Trie as a "must appointment" or stated that his name had come from a "high level" in the Administration. *Id.* at 59-60. This is consistent with Mr. Duncan's testimony about his conversations with Ms. Jones.

Furthermore, Ms. Jones testified that neither Steven Clemons nor anyone else in Senator Bingaman's office ever raised any concerns about Charlie Trie being appointed to the Bingaman Commission. *Id.* at 83. She recalled receiving no e-mails or other written documents expressing concern about Mr. Trie's appointment from Mr. Clemons or anyone else, and she was unaware of anyone expressing concern about Mr. Trie to Mr. Duncan. *Id.* at 83-84.

Peter Scher. Mr. Scher was the chief of staff to the United States Trade Representative in 1995. He testified that he spoke to Steven Clemons about the Bingaman Commission, but that Mr. Clemons never said he was frustrated by the appointment process, never said that there were too many political people on the Bingaman Commission, and never indicated a concern about the quality of the people on the Bingaman Commission. Mr. Scher's sworn testimony also directly refutes the majority staff's notes of their interview with Mr. Clemons, which said that "Clemons told Scher that he was worried about the quality of the appointments." Mr. Scher testified that Mr. Clemons never told him he was concerned about the quality of the appointments. Deposition of Peter Scher at 32.

As is obvious from these summaries, Mr. Duncan's extensive testimony about Charlie Trie's appointment to the Bingaman Commission was fully corroborated by the sworn testimony of other important and credible witnesses whose testimony has not been challenged.

D. Chairman Burton Misquoted Testimony to Make It Appear Incriminating

One of Chairman Burton's chief allegations is that Mr. Duncan made a false statement to Congress when he stated in his answers to the interrogatories that "no one expressed opposition" to Mr. Trie. According to Chairman Burton, Mr. Duncan's statement is "flatly contradicted by Clemons' account."

Unfortunately, Chairman Burton selectively quoted Mr. Duncan's answer. What Mr. Duncan actually said was, "To the best of my recollection, no one expressed opposition to me." Given the substantial inaccuracies in the notes taken by Chairman Burton's staff, it is unclear if

The Honorable Janet Reno
 April 13, 1999
 Page 6

Mr. Clemmons did express opposition to Mr. Trie to Mr. Duncan. Even if such opposition were expressed, however, Mr. Duncan's failure to recall Mr. Clemmons's statement could not possibly be the basis for criminal charges. During the time period in question, Mr. Duncan was handling hundreds, if not thousands, of presidential nominations. Under these circumstances, it is not surprising that Mr. Duncan would be unable to recall, three years later, whether opposition was expressed to one of 18 members of a minor commission.

Thus, you should not be misled by Chairman Burton's selective editing. A normal and understandable inability to recall is not a federal criminal offense.

III. ADDITIONAL KEY INFORMATION THAT CHAIRMAN BURTON LEFT OUT OF HIS LETTER

Throughout his letter to you, Chairman Burton repeatedly creates a misleading impression by leaving out critical facts. By omitting this information, Chairman Burton creates the appearance of wrongdoing when, in fact, none is present. The following are some examples of such material omissions.

A. White House Donor Lists

According to Chairman Burton, a key piece of evidence that Mr. Duncan lied to the Committee is a database spreadsheet of potential appointees from the Office of Presidential Personnel that is "entirely composed of major donors and supporters of the DNC and the Clinton-Gore campaign." Chairman Burton's theory appears to be that only contributors and supporters were considered for presidential appointments.

Chairman Burton, however, omitted the fact that this list is actually a heavily redacted list produced by the White House in response to the Committee's requests for the names of contributors considered for appointments. It does not include the names of any individuals who did not make contributions who were considered for appointments.

The appointments to the Bingaman Commission themselves corroborate Mr. Duncan's deposition testimony that "the fact that someone made a contribution does not disqualify them from consideration. Nor is it the sole criteria upon which appointments are based." Deposition of Charles Duncan at 177-78. Of the 18 commissioners, at least six were Republicans, one was a political independent sponsored by Republican Senator Orrin Hatch, and others were not politically active, including a college professor, a journalist, and a senior fellow at the Council on Foreign Relations.

B. Obstruction of the Investigation

In Chairman Burton's letter, he repeatedly accused Mr. Duncan of obstructing the Committee's investigation. For example, he states that "[i]f Charles Duncan knowingly made false statements to the Committee, those statements prevented the Committee from learning the whole truth about the appointment of Charlie Trie to a governmental post."

The Honorable Janet Reno
April 13, 1999
Page 7

In fact, however, Mr. Duncan actually cooperated extensively with congressional investigators. Mr. Duncan appears to have done everything asked of him throughout the congressional campaign finance investigations. On August 13, 1997, he appeared voluntarily for a deposition by the Senate Committee on Governmental Affairs that lasted over two hours. He then voluntarily appeared before this Committee for another deposition on September 4, 1997, that lasted an additional 5 hours and 42 minutes. This deposition testimony makes clear that Mr. Duncan in no way "repeatedly attempted to avoid answering fundamental questions regarding Trie's appointment," as Chairman Burton alleges in his letter.

Mr. Duncan also agreed to testify voluntarily before the Committee in February 1998. Chairman Burton, however, canceled the hearing the night before Mr. Duncan was scheduled to testify.

Finally, Mr. Duncan voluntarily responded to the Committee's April 1998 interrogatories even after Chairman Burton made available to the press his staff's interview notes with Steve Clemons.

IV. CONCLUSION

Charles Duncan is a long-time government employee whose public service has spanned several administrations and whose reputation has been, until now, unblemished. I hope that the Department of Justice Campaign Finance Task Force will evaluate Chairman Burton's allegations against the objective facts in the record.

Sincerely,



Henry A. Waxman
Ranking Minority Member

Attachment

cc: Members of the Committee on Government Reform
David Vicinanza, Esq.

Mr. FORD. Mr. Waxman wrote to the Department of Justice on this matter because the chairman's allegations were tantamount to a smear on Mr. Duncan's representation. Mr. Duncan's public service has spanned several administrations and his reputation was untarnished until the chairman's letter. I believe the majority should be embarrassed about making a referral based on such flimsy evidence.

Mr. Gershel, could you comment on the status, if you wouldn't mind, of the Justice Department's consideration of the chairman's referral on Mr. Duncan?

Mr. GERSHEL. Congressman Ford, as I indicated at the outset, perhaps you weren't present at the time the—I did——

Mr. FORD. Forgive me, I am sorry. Excuse me for not being here.

Mr. GERSHEL. And I had to do some checking on that. It predated my coming down here to Washington, and I have learned that matter is a closed matter. Attempts to interview a crucial witness were unsuccessful and it was determined that the investigation would be closed.

Mr. FORD. Thank you. There are just 2 weeks left in the 106th Congress, Mr. Gershel, which you probably are aware of and I'm sure the people around this country are, and I deeply regret that we have so little time to help seniors afford their prescription drugs, pass the patient's bill of rights and hire more teachers, and rebuild schools or even raise the minimum wage.

I would just call on my chairman, let's end the personal attacks, the partisan warfare, even the political witch hunts. Let's stop issuing and threatening to issue subpoenas and start writing laws. Let's end this partisan charade and get back to the work that our constituents sent us here to do. Even if we can't do that, let's at least end the partisan witch hunt and get out and campaign for the candidates we care deeply about and we believe ought to run this country.

We could certainly spend our time a little better than we're doing here, Mr. Chairman, and I want to thank Mr. Gershel and apologize to him again on behalf of all of us on this committee. Even if the people on the other side don't have the will to say they apologize, I apologize for calling you up here today to have you answer the questions that you have answered.

And if you could get back to me also on the number of people you have investigating some of this racial profiling. We've not held one hearing on that in this committee, I might add, although we've heard from around the country an outcry for some work on this. I would hope that my chairman would at some point be willing to hold a hearing to address these issues. Perhaps you can come back and comment on that as well.

With that, I have no time to yield back. I thank the chairman for the time.

Mr. BURTON. We'll be very happy to receive that kind of information, and I have not yet received a request for a racial profiling hearing that I know of, but we will be happy to look into that. As a matter of fact, I think Mr. Cummings yesterday had a hearing on Monday on the problems with cancer not being properly tracked as far as minorities are concerned, and we acceded to his wishes

to have the hearing on Monday. We'll be happy to do that for you, too.

Let me just ask a few other questions. First of all, in response to Mr. Waxman, I think you know that an independent counsel-raised investigation is limited. A lot of the things that we're talking about in the e-mail investigation Mr. Ray does not have any jurisdiction over. Sometimes I wish he did but he doesn't, and so the limited part of the overall investigations that are taking place that Mr. Ray has jurisdiction over, you may be working with him on, I don't know, but I can tell you that a lot of things we've asked, in my opinion, in other parts of the campaign finance investigation scandal, the moneys have been returned, whether or not the President and the Vice President were involved, and so forth, we have not received the kind of cooperation that I think we need, and I think it needs to be put in the record that Mr. Ray, Independent Counsel Ray's jurisdiction is limited and you would agree with that, wouldn't you?

Mr. GERSHEL. Yes.

Mr. BURTON. Thank you. Would you please look at exhibit No. 1? That's a set of e-mails that were produced to the committee by the White House last Friday afternoon. In his cover letter accompanying the production the Senior Associate Counsel to the President stated that these e-mails were reconstructed from backup tapes by the FBI working in conjunction with the Campaign Financing Task Force and the Office of the Independent Counsel.

Is that correct?

Mr. GERSHEL. Can I just have one moment to sort of read this.

Mr. BURTON. Sure.

Mr. FORD. Mr. Chairman, while he does that, it was a \$52 million limited investigation that you referred to Mr. Ray and Mr. Fisk, and I believe that in my district is a lot of money, but that was a \$52 million limited investigation that taxpayers paid for without a single charge being brought against the President and the First Lady.

Mr. BURTON. I think you're probably correct. There were, I think, 14 people indicted and convicted, however, but you're right, there were some limitations on how far the investigation went.

Anyhow, go ahead, Mr. Gershel. Did you have a chance to look at that?

Mr. GERSHEL. Yes, sir, thank you.

Mr. BURTON. Did you get my question?

Mr. GERSHEL. Sorry.

Mr. BURTON. Let me go through it again. That set of e-mails were produced to the committee by the White House last Friday. In his cover letter accompanying the production the Senior Associate Counsel to the President stated that these e-mails were reconstructed from backup tapes by the FBI working in conjunction with the Campaign Finance Task Force and the Office of Independent Counsel, is that correct?

Mr. GERSHEL. Yes, that's correct.

Mr. BURTON. When did the White House provide the backup tapes for these e-mails to the FBI?

Mr. GERSHEL. Sir, to answer that question, you would be asking me to comment on a pending matter that is before the grand jury at this time, and I cannot do that.

Mr. BURTON. You mean just knowing when they were produced, when the White House gave those backup tapes to the FBI, I mean, that's going to impinge on an investigation—a grand jury?

Mr. GERSHEL. My response to that question would be commenting upon an open pending grand jury investigation and it would be inappropriate for me to answer that question.

Mr. BURTON. Well, I fail to see why that would be inappropriate because we're just asking the date that the FBI got those tapes from the White House. I mean, I don't know how that's relevant to a grand jury investigation, but we'll check and see if that's something that you should be required to answer, and we'll have you back up and ask you about that again.

When did the FBI reconstruct the first e-mails, do you know that? And you can't comment on that either probably.

Mr. GERSHEL. No. What I will answer for you, if it would be helpful to the committee, is to give you some general background on the process for the reconstruction, how this process came into being, and I'm happy to talk about that in a general sense. If that would be helpful to the committee's oversight functions, I'm willing to do that.

Mr. BURTON. That's fine and we appreciate that, but we need to have some timeframes, because we've been trying to get these e-mails for 3 years, as have the Justice Department and the independent counsels and our committee, and what we're trying to find out is when did the White House provide these backup tapes to the FBI, when did the FBI first reconstruct these e-mails, and we're trying to get a timeframe to see what the problem has been for 3 years.

Mr. GERSHEL. Let me see if I can provide some helpful information to you, Mr. Chairman.

Mr. BURTON. All right.

Mr. GERSHEL. The reconstruction process really is the result of a, for lack of a better description, a protocol that was entered into between the Justice Department, the White House and the Office of Independent Counsel. It was done as a way to try and expedite the investigation to look for ways to review and have access to unrecorded e-mails, which is really the focus of the campaign finance investigation. To that end, this protocol was entered into which allowed for the submission of the backup tapes. It then allowed the FBI through their technical experts to begin pulling e-mails off of those tapes. There is a process in place. This protocol was entered into in June of this year. The reconstruction effort began—first e-mails began being pulled off of the backup tapes in approximately August of this year.

Mr. BURTON. OK. That helps answers some of my questions. So it was in August of this year that they started pulling these tapes, the information off the backup tapes.

Mr. GERSHEL. That's approximately correct, yes, sir.

Mr. BURTON. We were told—in February or March we were told that probably in 6 months we would start having a large number of these e-mails sent to the committee and the other relevant inves-

tigations. Now we're finding out that it was in August that we—that they started going through and getting information off the backup tapes and we've been told that we probably wouldn't get a great deal of e-mail information until after—until around Thanksgiving, which is well after the forthcoming election.

Mr. GERSHEL. I'm just unclear as to who made those representations to you. As the committee may know, there have been technical issues associated with the reconstruction process that have been ongoing for some time now. It is through this protocol that we've been able, through the FBI expertise to actually begin pulling these e-mails off the backup tapes and reviewing them for relevancy to our investigation.

Mr. BURTON. Did the FBI use search terms, or teams, to search the backup tapes for relevant information?

Mr. GERSHEL. Did the FBI use search terms?

Mr. BURTON. Teams—excuse me, I'm correct, did they use search terms? Oh, search terms, right, uh-huh.

Mr. GERSHEL. Congressman, that would be a question that would be asking me to comment upon the scope and the nature and the specifics of this investigation, and I'm reluctant to do that.

Mr. BURTON. Were the backup tapes searched only for information relating to the campaign fundraising in the Lewinsky investigations or were they checked for other things?

Mr. GERSHEL. That would be my same answer, asking me to comment upon an open matter.

Mr. BURTON. Were the tapes searched for information relating to the FALN, the terrorist organization, clemency that took place or the Babbitt investigation?

Mr. GERSHEL. Congressman, same answer. I apologize. I'm not trying to be difficult with the chairman, but it is important to understand that I'm saying this because it is a grand jury matter. My ethical responsibilities prohibit me from commenting upon a pending matter, and it would just be wrong for me to do that.

Mr. BURTON. How does the Justice Department eliminate somebody from an investigation when there's an ongoing grand jury investigation taking place? I mean, anybody that is a potential suspect, until the grand jury investigation is completed and until all of the relevant information is given to them, how do they eliminate anybody as a possible suspect?

Mr. GERSHEL. As a general proposition, I will try and answer the question.

Mr. BURTON. Yeah, as a general proposition.

Mr. GERSHEL. There may be situations, for example, where there may be an ongoing grand jury investigation and there may be allegations that may involve only one small segment of that investigation. That may be a discreet, separate segment that will allow the investigators to review that part of the investigation, make some determinations, make some decisions, make some recommendations as to that part of the investigation without compromising the full investigation and allow us to make some decisions. For example, it is not unusual in my experience for that to happen, and individuals who may have begun in the investigation as perhaps a subject of an investigation, upon further investigation that may not be the

case and they end up becoming cooperating witnesses to help us with the investigation.

Mr. BURTON. Let me just ask this question, and I will yield to my colleagues if they'd like because I don't think we're going to get answers to these, and you can maybe pursue some of these when you get to your questioning.

We go back to the tape of this meeting in December 1995. Justice was asked by this committee to look at it several times. We've gone over this several times today. There is a question as to whether or not the Vice President made the statement that many believe he made about showing these tapes to Mr. Riady, who was a major contributor of illegal campaign contributions from Indonesia.

How can the Justice Department excuse anybody when there's an ongoing grand jury investigation, when there's that kind of relevant evidence or possible evidence out there that you haven't looked at and our committee asked you several times to look at it and you did not even ask for it until yesterday? So all I'm saying is how can you eliminate someone who is a potential target of the investigation when that kind of information has not even been looked at by Justice?

Mr. GERSHEL. Congressman, if you're asking me again why the letter that was sent, signed by me, as well as the letter signed by the Office of Independent Counsel to Mr. Barry's letter?

Mr. BURTON. I'm talking about the Vice President, and, Ms. Reno saying he wasn't going to be investigated.

Mr. GERSHEL. Who wasn't going to be investigated?

Mr. BURTON. The Vice President, because that tape was not looked at by you. It was not analyzed by experts to see if that was exactly what was said, and if it was said, then it is important evidence that the grand jury ought to take a look at it and you have not looked at it even though we have requested you look at it three times.

Mr. GERSHEL. Congressman, I believe we're looking at all relevant evidence, and again as I've indicated this afternoon, steps have been made, if they haven't already been done so, to request the tape from the committee. If you believe it is relevant evidence, it will be examined.

Mr. BURTON. Mr. Ford, we have votes on the floor. Do you want to recess while we go to the floor and vote or do you want to proceed now for another 5 minutes?

Mr. FORD. I just want to set the record straight on the issue about the Vice President. You obviously cannot comment, Mr. Gershel, with regard to—and we appreciate you following the law, somebody in the room is—with regard to the Vice President. He still may be covered under some of the questions and some of the things that are going on with this grand jury. Ms. Reno has just indicated they're not going to appoint an independent counsel to look into matters.

Is that—I think the American people, including this American, is lost in the train of questioning here. Again I think you have theories on the other side that for whatever reason the Justice Department has decided—after looking at the facts and the law decided not to pursue the course my friends on the other side would like you to pursue.

So if you would just sort of clarify that for me because I think there's—the record is a little confused, and perhaps that's the purpose of this hearing, but if you wouldn't mind clarifying that for me and I think for the few Americans that may be watching this.

Mr. GERSHEL. Congressman Ford, the Attorney General's decision with respect to the appointment of a special counsel is a matter of public record. She made public statements about that. As I've indicated, in the course of our investigation, if there's information that develops that we, the Campaign Financing Task Force or any other investigators, believe is relevant to that decision, I would not hesitate for a moment nor would anybody else feel any reluctance to speak with the Attorney General and advise her of that and make whatever decisions and recommendations are appropriate. We've never been prohibited from having that kind of access or having that kind of ability to share investigative information with the Attorney General, and I expect that to continue.

Mr. FORD. Thank you, Mr. Gershel.

Mr. BURTON. Mr. Ford, if you would like, I don't know if you're going to come back after the vote, but we do have some more questions we want to ask. But the Chair will call a recess pending this vote and we'll be back as quickly as possible.

[Recess.]

Mr. BURTON. We will reconvene. I apologize, Mr. Gershel, for being gone so long, but getting off that floor sometimes is very difficult. We will try to expedite on the rest of the hearing so you can get under way.

Counsel is recognized.

Mr. WILSON. It is almost goodnight, but good afternoon.

Mr. GERSHEL. Good afternoon, Mr. Wilson.

Mr. WILSON. Let me make sure I start my time so I don't go on for too many hours.

Going back to the search term issue that we were talking about before, you were asked the question about what search terms were used that ultimately led to the production of documents to us last week. There is a little bit of a difficulty understanding why you can't provide to us the search terms that were used. For example, the committee has an interest in documents that were subpoenaed relating to pardon FALN terrorists. Unless we're sadly mistaken, we're not aware of a criminal investigation of the President's decision to pardon FALN terrorists. So there is no ongoing investigation. There is no grand jury process for that issue. So if you could try and explain to us so we can understand a little better why you can't provide any information about search terms.

Mr. GERSHEL. I suppose the best way to answer the question would be to try to answer it in the abstract, if I might, and see if this is helpful to you. Without again indicating whether or not the e-mails that have been produced thus far pursuant to the protocol were done pursuant to a search term, I would indicate, though, that hypothetically if I were to provide you with search terms that were used as part of the reconstruction process, I think that it's a fair statement that the disclosure of search terms would, in fact, disclose the nature of the investigations. Search terms they use for a particular reason and a particular purpose, and the disclosure of

those would, in fact, or could perhaps indicate the direction of the investigation.

Mr. WILSON. And that's a fair point, but we know the searches have to be done. That's not a negotiable aspect. The committee subpoenaed documents. There was a reservoir of documents that was never searched. At some point somebody somewhere is going to have to go back and search the documents for that which the committee asked for a year ago, 2 years ago, 3 years ago. So what we're trying to do is get a sense of whether that process has started or not.

Maybe it would be easy—maybe you could be in a position at some point to say it just hasn't started. Are you able to say that?

Mr. GERSHEL. I'm not sure I follow the question. As you know, certainly the search of the backup tapes has obviously started by virtue of the fact that we now have, all of us, in front of us a package of e-mails. That's the fruits of the beginning of the process, which I indicated to the chairman began this summer. So that process is ongoing, and as we've indicated before, the focus of the Justice Department's investigation, our portion of the investigation, is to determine whether or not our previously issued subpoenas had been complied with, and whether or not there had been any obstruction of justice with respect to the nonproduction of any relevant e-mails. That's really been the focus of our investigation, and that's the process we've been going through.

Mr. WILSON. Right. And maybe you misspoke there, but you said the focus of your investigation is to determine whether your subpoenas have been complied with. Now, we know one thing. You've referred a number of times to the Office of Independent Counsel. The Office of Independent Counsel has no jurisdiction over matters that we've looked into. So if the Office of Independent Counsel were to find a document that said we are purposefully obstructing the committee's investigation of the clemency issue, the Office of Independent Counsel is in no different position than anybody in this room. They can provide the information to somebody else, but they can't go out and take people before the grand jury and investigate that matter.

Now, you just stated very clearly that your interest in the Campaign Financing Task Force investigation of the e-mail matter was determining whether your subpoenas were complied with. Who is trying to figure out whether our subpoenas were complied with?

Mr. GERSHEL. Let me be clear. That is certainly a principal focus of our investigation, but in the course of the investigation, if it's determined that e-mails that were relevant to previously issued congressional subpoenas were not complied with and is evidence of potential criminality, those issues would be looked at. We understand as the Justice Department it may be our responsibility at the end of the day to look into that and be responsible for investigation and prosecution of those matters if that were to occur.

Mr. WILSON. It doesn't sound like you started doing that. Now, we can't say that for a fact because you won't answer the question, but we've got two issues here. One, we don't know what search terms you're using, so for all we know, you'll ignore the congressional interest, and it's not just this committee, it's a number of committees. That's the first point.

And the second point, we brought up a very legitimate question about manpower. This is not a small undertaking. We've had a number of staff working for 6 months trying to determine certain things, and it's our understanding—you can say that people come in and out of the investigation, but continuity is important, and full-time employees are important. We're under the understanding that one part-time person was working full time on the criminal e-mail investigation, and that person has left. And you are sitting here today not answering with any clarity that question, or maybe I should phrase it you're not putting that concern to rest. And—

Mr. GERSHEL. All I can say, and I would hope that this would satisfy the concerns that you and the committee have, is that please don't assume because one attorney may have left the task force, who happened to have been a part-time attorney, who may have been assigned to the investigation, that because of that individual's departure, the investigation is not being worked thoroughly and aggressively and appropriately. It is simply not the case.

Mr. WILSON. We understand that. We understand what you say, but then again those same words gloss over the fact that the Campaign Financing Task Force failed to ask the President a single question about foreign money for 3 years. The Campaign Financing Task Force failed to ask the Vice President questions about Hsi Lai Temple for a number of years.

So it's all very well for you to sit here and say, we're doing our best job, and we're working to get something done on this issue, but what we're trying to figure out is if that's true or not.

Now, who made the decision—we gave you the question in advance—who made the decision not to answer our question about how many employees are working full time on the e-mail matter?

Mr. GERSHEL. Who made the decision?

Mr. WILSON. Who made the decision not to answer this committee's question? Is it just you?

Mr. GERSHEL. I wouldn't say it was a decision by one person. When the information, the letters, came in, it was evaluated. I was advised those issues that I could respond to, those which may be issues that we would not respond to. For example, the second letter has a host of questions that concern specifics of the e-mail investigation. That's an open matter.

Mr. WILSON. Very well. We understand that, but this is very clear. We've got this GAO report. It talks about staffing levels. You attempted to set up a distinction here, but it sounds like you were instructed not to answer this question. Who instructed you not to answer this question?

Mr. GERSHEL. It wasn't a specific person that I can recall that said, Mr. Wilson, do not answer that question. I was advised in the course of preparing for my hearing, my testimony, this afternoon this has been the practice, the longstanding practice, of the Department. To the extent I can provide the committee with aggregate numbers, total numbers, and the task force currently assigned—that are in the task force working on campaign investigation, I can do that.

Mr. BURTON. Mr. Gershel, if you would let me just say that this is something we really want an answer to. And I don't want to im-

pede your ability to do your job by dragging you up here under subpoena, but we intend to find out if there really is a concerted effort by the Justice Department to look into the e-mail matter. We have been after this now for 3 years. We were told early in the year we would see some of this expedited, and we can't even find how many attorneys you have working on this thing over there. We've been told that there was one part-time attorney working on the e-mail thing, which is totally insufficient.

You also started talking about Mr. Ray and his independent investigation, and that may cover part of it, but we're talking about the campaign finance scandal, the FALN, the Babbitt matter, a whole host of things that may be relevant to what we've been investigating up here, and we need to know how many people were working on the investigation.

We're going to keep after this until we find out. And I'm not talking about how many worked for Mr. Ray or other independent counsels. I'm talking about the Justice Department and the task force itself. How many people did they have working on this investigation?

Mr. GERSHEL. Mr. Chairman, as I believe I indicated in response to this line of questioning from Congressman Horn, that I indicated that I would go back to the Department of Justice. I will attempt to discuss this issue and see whether or not the information can be provided to you. I will ask you to accept that at face value. I assure you that we would respond back to you, but I'm just not prepared to do that today.

Mr. BURTON. Let me just say that I don't know whether a contempt of Congress citation would do anything at the Justice Department. We have one that is pending before the Congress right now. We are probably going to issue that contempt citation and take it to the floor, and it is probably going to pass. And if you don't answer this question, and if the Justice Department—this does not bear on any grand jury investigation—I will not hesitate to move a contempt citation and take it to the floor here at the end, because I think this is very important. We need to know whether or not the Justice Department was serious in getting the e-mail information to the relevant committees and the other independent counsels. We don't believe they were, and we just want to know.

So I just want you to know we expect an answer to that question, and we will give you some time to do it, but if we don't—you know, I want you to know the consequences. And if this Justice Department does not move on a contempt citation, rest assured if we keep the majority and I'm chairman next time, we will bring it up next year.

Mr. WILSON. Just to add a real-world component to this discussion about how many people you have working on the issue—

Mr. BARR. Would the counsel yield?

Mr. WILSON. Yes.

Mr. BARR. Mr. Gershel, what is the thinking behind or the rationale behind not wanting to disclose those figures? That's something new to me. It doesn't have to do with, as the chairman said, the specifics of a grand jury investigation or improperly disclosed prosecutorial strategy or tactics. Do you see any reason why that information should not be made available to the Congress as the

stewards of public resources and as the appropriators for the funds that are used by the Department of Justice to handle all investigations?

Mr. GERSHEL. Mr. Barr, I understand the question. It certainly, as a general proposition, probably does not implicate grand jury secrecy rules. I accept that as a proposition ordinarily. I think one of the concerns may be perhaps that assuming for the moment that the question can be answered precisely, and earlier on in my testimony I tried to explain why it is difficult to pin down a specific number at a specific point in time, but putting that aside, a suggestion of a total number of agents or prosecutors assigned to a case may suggest an importance or lack of importance that may be inappropriate.

Mr. BARR [presiding]. That's sort of precisely the point. We want to know whether there is importance or lack of importance attached to this, and the only way—one of the indices that we have for that is what resources is the Department devoting to the investigation. I would presume we would agree that that is relevant information for Congress to have. Would you agree with that proposition?

Mr. GERSHEL. I have heard the chairman's message loud and clear. I will take that information back. I will do what I can to try to respond to the committee's question. That's really the best I can do under the circumstances at this time, except to assure you that we will respond back to this committee.

Mr. BARR. Do you see any reason why Congress should not have that information?

Mr. GERSHEL. Mr. Barr, I don't know. I don't have a longstanding history down here in Washington. I have no experience, frankly, testifying about—

Mr. BARR. How about just a history of how our representative form of government works? How about based on that do you see any reason why Congress should not have that information?

Mr. GERSHEL. I can't think of reasons off the top of my head. I can't answer that question either way. I am doing the best that I can.

Mr. WILSON. I will move on to another subject, but just before I do, I want to put this in a real-world context because it is not just some academic concern for us. We interview many people, and one of the questions we ask is, have you ever been talked to by the Department of Justice either Campaign Financing Task Force or Office of Independent Counsel. The answer is frequently no. It is disturbingly no in many situations.

Let's really get into a real-world situation here. There were some problems with representations prepared for Tony Barry by Department of Justice lawyers. A couple of weeks ago an assistant to the President said they were false. We submitted many months ago a referral pointing out that Mr. Barry's representations were false. They were prepared by Department of Justice lawyers. There doesn't seem to be an awful lot of realistic doubt about that matter. And you wrote a letter to Tony Barry, and you basically let him off the hook. You said he's not a target of the investigation. Now, aside from the fact that you couldn't even spell his name correctly, you had not talked to Mark Lindsay, who is the guy, the assistant

to the President, who said his statement was false. And it strikes us as a little bit odd that you may not have enough people on the case to do the interviews. That's the first thing.

But the second thing is it is the same frustration we feel with failure to ask pertinent questions about major campaign finance issues. If you wait 2 or 3 or 4 years, that doesn't seem to be an appropriate investigative tactic to take. Now, everybody's got their own process to follow, but here we're just trying to understand what yours is. So we will hopefully hold this hearing open, and we can have you come back, and we can ask that question at a different time.

Mr. GERSHEL. Can I just make a brief response to that comment, please, Mr. Wilson?

Mr. WILSON. Absolutely.

Mr. GERSHEL. I just want to say two things. First of all, again, so we're clear, the nontarget letter to Mr. Barry was issued both by of the Campaign Financing Task Force and Office of Independent Counsel, No. 1. No. 2, as you certainly well know, a nontarget letter is not a letter of immunity, is not a promise of nonprosecution, and that it is what it is. I mean, it does not promise that if the situation changes or other evidence develops, that that label might, in fact, not change at some point in time. I'm not saying that's the case here with Mr. Barry, but, please, I want to be clear that he's not an immunized witness, and that designation was a joint designation by both the campaign task force and the Office of Independent Counsel.

Mr. WILSON. We understand that, but if I were Mr. Barry's legal counsel, I would rather have a nontarget letter than an aggressive approach indicating that you might prosecute their client. So it cuts both ways.

But I want to get to another subject that hasn't been addressed at all and that's—it's a rather complex one, but it's the issue of subpoenas that we have issued to entities that the Department of Justice seems to be blocking. Now, I've read your testimony and I understand what you say. I have a few questions about that. Within the last several months the committee has issued subpoenas to a number of agencies and entities calling for document requests and subpoenas served on them by the task force. Now it's obvious what we're doing. We're trying to find out what questions you've asked them. The first two subpoenas were directed to the White House and the Commerce Department and they were honored. There was no interference whatsoever by the Department of Justice. Why has the Department of Justice treated the subpoenas that we issued to the Commerce Department and the White House different than ones that we sent to the DNC and the State Department? Why the disparate treatment?

Mr. GERSHEL. Perhaps the best way to answer it would be to indicate to you that as to the State Department and the Commerce Department as sister agencies to the Department of Justice, given the longstanding practice, it seemed appropriate not to obstruct this committee's investigation, not to obstruct in compliance with their subpoenas, but to be sure that information that was being accumulated, that is, information that was originated with the Department of Justice and that may have contained sensitive infor-

mation, was treated appropriately. It is true the Commerce Department has released information. Frankly, we would have preferred that we would have received a phone call and would have had a chance to review that information. Since then, there has been some contact with the Commerce Department on some followup, as I understand it.

As to the DNC, it is my understanding that they're not viewed as a government agency per se, and the White House chose to respond directly to the committee. But as to the agencies involving the State Department and the Commerce Department, we are in contact with them.

Mr. WILSON. Now, if you had concerns about the response to our subpoena somehow impeding or impinging upon your investigation, why did you not come to us with those specific concerns? Let me put that in the context of when we interviewed Johnny Chung over a year ago. There were some very real concerns at the Department of Justice that Mr. Chung would provide information that would touch upon ongoing aspects of the campaign finance investigation, and the Department of Justice came to us and said, please do not go into these matters, and we did not. And to this day, even though we asked 4 or 5 months ago, I believe, for a list of what we can go into now, and that list has been not provided to us, we operated in good faith and we negotiated with the Department of Justice and we did exactly what you said.

Why not treat these subpoenas in precisely the same way? There are many, many, many issues that are asked about in the subpoenas that are not any product of an ongoing investigation or any part of an ongoing investigation.

Mr. GERSHEL. I can't speak to the Johnny Chung matter. I have no knowledge of that. I'm not familiar with it. I was a nonparticipant in that, so I have no basis of comparison as to that matter. I can only speak to my understanding of the practices that concern subpoenas to third agencies; not to preclude, not to prevent, not to obstruct them from complying with those subpoenas by giving you, the committee, their own documents. The concern rests with documents that we may have provided to agencies as part of perhaps some request. That's the information that we're looking at. If you believe in future subpoenas that it would be helpful and productive for us to engage in this kind of dialog, I'm happy to do that, and I believe that others would be as well. I will take that back with me.

Mr. WILSON. Well, what I believe is that we should have done that maybe 2 months ago instead of going through all of the process that we've gone through to get to a rather absurd response. The response that we've ultimately gotten to our subpoenas are pages that are completely blacked out, they're redacted, so we get nothing whatsoever, and I can't represent to you with certainty—well, I can represent to you with certainty on some of the issues there is nothing happening in the Department of Justice, as far as we can tell, that would impact an ongoing criminal investigation. In one case, you block out Liu Chaoying's name. In another case you don't redact Liu Chaoying's name.

We don't understand, given that you allowed us to ask Johnny Chung questions, unrestricted questions about Liu Chaoying, how

you can now take the position that if we know that you asked an agency about Liu Chaoying, that somehow impacts your ongoing investigation. Is there not a failure of intellectual consistency there?

Mr. GERSHEL. The decision was made. The belief was that at least as to that matter, disclosing it would impact and would affect an ongoing investigation.

Mr. WILSON. So it was OK for us to ask how about Liu Chaoying a year ago when we questioned Johnny Chung who actually had information about Liu Chaoying, but when we send a subpoena off to an agency that may not have any information about Liu Chaoying, we can't even know that the Department of Justice asked about Liu Chaoying. That is the position you're now taking.

Mr. GERSHEL. No, Mr. Wilson, you're asking me to use as a benchmark an issue that I'm not familiar with, and that puts me in a difficult situation because I can't respond to your question in a way that's going to satisfy you. I don't know what happened a year ago. I'm trying to engage in this practice as honestly and as completely and as appropriately as I can under the circumstances. That's why this was done. I cannot take this situation and compare it a year ago to the Johnny Chung matter.

Mr. WILSON. Fine, but I just told you what happened a year ago. A year ago, the Department of Justice allowed this committee unfettered questioning of one of the witnesses that you had used in the campaign finance investigation. They allowed us unfettered questioning of Johnny Chung. They allowed us to ask questions about Liu Chaoying. Now, all of the sudden, something's changed. Now, it would be one thing if somebody had come to us and said there is now new information and an ongoing investigation, but that doesn't appear to be the case. You just seem to want us to not have the information.

Mr. BURTON [presiding]. I think Representative Barr would like to ask a question.

Mr. BARR. If I could, Mr. Chairman. This stack of e-mails, Mr. Gershel, are you familiar with them, the ones that came in to us I think on Friday?

Mr. GERSHEL. Yes, sir.

Mr. BARR. I had a couple of questions. I was just going through them here. There is one dated March 5, 1996 from Ron Klain, K-L-A-I-N. It's No. E-8762. Who is Mr. Ron Klain?

Mr. GERSHEL. I don't recall at this time who he is, Congressman. I certainly know the name.

Mr. BARR. Pardon?

Mr. GERSHEL. I certainly know the name. I don't recall the specific position or title.

Mr. BARR. Is he with the Office of the Vice President?

Mr. GERSHEL. That may be correct but I'm not sure.

Mr. BARR. Who is Elaine Kamarck, K-A-M-A-R-C-K?

Mr. GERSHEL. I don't know.

Mr. BARR. Pardon?

Mr. GERSHEL. I don't know.

Mr. BARR. Is she with the Office of the Vice President?

Mr. GERSHEL. I don't know.

Mr. BARR. Who is Mr. Glicken, G-L-I-C-K-E-N?

Mr. GERSHEL. I recognize the name certainly, but I forget his exact position or relationship with—if any—with the Vice President's Office.

Mr. BURTON. Excuse me, would the gentleman yield? You don't know who Howard Glicken is, and you're conversant with the investigation into the e-mails of the task force and the campaign finance scandal and you don't know who Howard Glicken is?

Mr. GERSHEL. I've indicated I recognize the name, Congressman, but I can't sit here and give you a description of him.

Mr. BARR. Do you know him as a convicted felon?

Mr. GERSHEL. I don't know that.

Mr. BARR. Do you know him as somebody who pled guilty to Federal fundraising violations in July 1998?

Mr. GERSHEL. I believe that's correct.

Mr. BARR. Do you know him as somebody who facilitated a German national named Thomas Kramer in funneling some \$20,000 to the DNC?

Mr. GERSHEL. I don't know that.

Mr. BARR. Do you know why the Vice President, according to this e-mail, would be interested in what seems to be rigging an award for Mr. Glicken?

Mr. GERSHEL. Congressman, I can't comment on that information. This is a pending matter.

Mr. BARR. What aspect of this e-mail is pending?

Mr. GERSHEL. These e-mails have been reconstructed as part of a process in the e-mail investigation. It's potential evidence in this case, and to comment on that would be inappropriate for me to do so.

Mr. BARR. In other words, the subject matter of this e-mail is the subject of an ongoing criminal investigation.

Mr. GERSHEL. I'm saying these e-mails are being evaluated and being reviewed, and to comment on those e-mails would be inappropriate.

Mr. BARR. I would like to draw your attention to another e-mail, this one No. E-8862 dated April 23, 1996 from—at the top the name is Karen Skelton.

Mr. BARR. Do you have that one?

Mr. GERSHEL. Yes, sir, I do.

Mr. BARR. Who is Karen Skelton?

Mr. GERSHEL. Sir, again you're asking me to comment on names, people, their positions, perhaps their relationships. That would be inappropriate for me to do at this time.

Mr. BARR. No, I'm not. This is ridiculous. Who is Karen Skelton? I'm not asking you to tell me whether or not she's under investigation. I'm not asking you to tell me the details of why she might be under investigation. I'm asking you who she is. If you don't know who she is, then just say so. Who is she?

Mr. GERSHEL. I believe she's an individual associated in some capacity with the Office of the Vice President.

Mr. BARR. That's my understanding as well. Who is Ellen Ochs, O-C-H-S?

Mr. GERSHEL. I don't know.

Mr. BARR. Is she associated with the Office of the Vice President as well?

Mr. GERSHEL. I don't know.

Mr. BARR. Would it surprise you to learn that she is?

Mr. GERSHEL. I wouldn't be surprised either way.

Mr. BARR. OK. This particular e-mail dated April 23, 1996 poses the question to Ellen Ochs from Karen Skelton, who you have admitted is in the office or was in the Office of the Vice President, "These are FR coffees, right?" FR Stands for fundraisers, correct?

Mr. GERSHEL. I don't know what it stands for.

Mr. BARR. What do you think it stands for?

Mr. GERSHEL. Sir, I don't know what it stands for.

Mr. BARR. You have no idea what it stands for?

Mr. GERSHEL. Perhaps it could stand for that, I don't know. It would be speculative on my part. And again now you're asking me to comment on information that is part of the investigation, and with all due respect I'm going to decline to do so.

Mr. BARR. Has anybody, you or anybody else, made any determination as to what FR stands for in the context of these e-mails?

Mr. GERSHEL. You're asking me a question again, Congressman, that is an open matter and I cannot comment on that.

Mr. BARR. You won't even tell us whether you all have even conducted the most fundamental inquiries even to determine what the terms are that are referenced in the e-mails that you all have sent up to us, what those terms stand for or mean?

Mr. GERSHEL. No, sir. I didn't say that. If I did, I think you misunderstood me. What I'm saying is it would be inappropriate for me to comment to you and try to suggest to you what the investigation may have learned the meaning of FR. You've asked me to speculate, and what I'm suggesting with all due respect is that to do that, you're asking me now substantive questions about the investigation.

Mr. BARR. No. The first question I asked was—the second question, the specific one on the table before you right now is: Has anybody made any sort of inquiry or investigation in order to determine what FR means or what it refers to?

Mr. GERSHEL. Sir, I'm not going to comment on that.

Mr. BARR. Would it be as a general investigative matter, an important investigative tool, if presented with written evidence or electronic evidence that contains terms or acronyms, to determine what those terms or acronyms mean?

Mr. GERSHEL. As a general rule, aside from this, if we receive documents in the course of the investigation that contain terms or abbreviations or acronyms or things that are not readily apparent, that certainly would be relevant, it would be important to ascertain from the appropriate people the meaning of those terms.

Mr. BARR. Are you conducting an investigation of these e-mails?

Mr. GERSHEL. Yes, sir, I have indicated there is an e-mail investigation.

Mr. BARR. So it would be a logical conclusion on our part that you all are looking into what the terms mean.

Mr. GERSHEL. Specifically, sir, again—

Mr. BARR. I don't understand this, why you all are fighting this, unless you are trying to hide something.

Mr. GERSHEL. Congressman, I am not trying to hide the ball from you. What I'm trying to do is I'm trying to balance the posi-

tion I find myself in this afternoon, a position where there is frustration obviously on your part. I understand that, because you are not satisfied with the responses you've gotten perhaps from me or from others at the Justice Department.

I'm also dealing with the tensions that I have and responsibilities I have ethically and professionally not to, as you know, certainly, to disclose information that may impact or disclose investigation, because it would be a violation of rules of ethics that I am bound by, that I'm bound by not only the statewide practice but under the McDade legislation passed by this Congress. I have to be very mindful of that also.

Mr. BURTON. Our time has expired on this side. We will come back for further questioning. You are recognized for 30 minutes.

Ms. AMERLING. Thank you. I am Kristin Amerling, minority counsel. I would like to ask a few questions to clarify a couple of issues that have come up during today's hearing.

First, Mr. Gershel, Chairman Burton has suggested repeatedly that the Campaign Finance Task Force never reviewed the videotape of the December 15 coffee. I may have misheard, but my understanding is that you simply said you can't comment on whether task force investigators have reviewed the tape. Mr. Gershel, would you care to clear this up for the record?

Mr. GERSHEL. I guess what I would say, without specifically commenting upon whether or not we reviewed the tape, is to answer your question by saying, please don't assume by my answers earlier this afternoon and by previous answers by other officials from the Justice Department that the videotape has or has not been looked at.

Ms. AMERLING. I would like to turn to the issue of the scope of the Office of Independent Counsel's e-mails investigation. Earlier today, Chairman Burton appeared interested in trying to establish that the independent counsel is conducting a narrow investigation. I'd like to explore this issue a little further with you. I understand that the Office of Independent Counsel is focused on examining the e-mail glitches as they relate to productions to the independent counsel. Is that accurate?

Mr. GERSHEL. That's correct.

Ms. AMERLING. If that is the case, it's hard to imagine that assuming the independent counsel is doing a thorough job, there are major issues concerning the e-mails' glitch that the independent counsel is not looking at. The main issues this committee has been examining are whether Northrop Grumman contract employees were threatened to keep quiet about the discovery of the e-mail glitches; whether White House counsel intentionally concealed e-mail glitches from investigators; and whether e-mails relevant to ongoing investigations, including e-mails relating to Monica Lewinsky, remain unreviewed. All of these issues would be relevant to the independent counsel's inquiry into events surrounding e-mail glitches that affected production of documents to the independent counsel. The independent counsel would have certainly requested e-mails relating to Monica Lewinsky. The independent counsel therefore, just like this committee, would be concerned about whether employees were inappropriately threatened if they didn't remain quiet about the glitches; whether White House coun-

sel covered up the problems; and whether outstanding relevant documents remain unproduced. Mr. Gershel, would you agree with that?

Mr. GERSHEL. Yes.

Ms. AMERLING. Thank you. I don't have any further questions.

Mr. BURTON. I know that you said that you neither admit to seeing the tape that we talked to you about, the December 15, 1995 tape, but we know since 1997 that you haven't seen that tape because the FBI had it and we had it sent to us. So in the last 3 years we know you haven't reviewed it, and you just asked for it yesterday after we requested that you look at it three different times. So I think that needs to be in the record. I know you haven't looked at it, because you haven't had it.

Ms. AMERLING. I don't have further questions. Thank you.

Mr. BURTON. Do you have further questions?

Mr. WILSON. I do.

Mr. BURTON. Without objection. He has a few more questions, so since there's no other Members, there's no objection, we will allow the counsel; and if you have more questions, we will give you some more time as well.

Mr. WILSON. If I could, I wanted to followup on the last question because there was some misunderstanding as to what precisely you answered in response to counsel's question. Do you remember what her question was? Are you able to characterize it for us?

Mr. GERSHEL. I believe the question had to do with the scope of the independent counsel's investigation.

Mr. WILSON. I thought—I didn't hear all of it, but it sounded like the question was that the scope of the independent counsel's investigation covered all of the things that this committee is interested in in the e-mail investigation. Is that a fair characterization?

Mr. GERSHEL. Mr. Wilson, again, no disrespect and not trying to be cute with you in my answer, the scope and the direction and the nature of the independent counsel's investigation is really best answered by the independent counsel, not by me. I'm not in the best position to evaluate what their investigation is. We're working a cooperative investigation. We tend to, as we've previously testified to, interview many of the same witnesses, look for the same kinds of documents. But the question regarding the scope of their investigation is really a question that they're better capable of answering than I am.

Mr. BURTON. Let me interrupt. There have been occasions when we've had an opportunity to talk to Mr. Starr, and subsequently to Mr. Ray. And the scope of their investigation has been brought up a couple of times during the discussions that we've had with them, because we've had an ongoing investigation. And it's pretty clear to me what the scope of his investigation is and it does not include the campaign finance scandal or things related to that. It pertains to the Whitewater and the Lewinsky matter. And I think he's pretty much stated that publicly and in conferences with Members of the Congress, without getting into the details.

And so I think that needs to be clarified very clearly. The scope of his powers in investigation are limited to the Lewinsky and the Whitewater investigations. He has not gotten any authority that I know of from the Attorney General or the court to expand that in-

vestigation beyond that. And so what we're talking about is the campaign finance investigation, your task force, and whether or not the Justice Department is aggressively pursuing justice in this matter.

Mr. WILSON. I just want to followup on that. You just stated you're not in the best position to discuss the scope of the Office of the Independent Counsel's jurisdiction. But when you were asked a direct question about that by minority counsel, you gave an opinion. It seemed like it was a misrepresentation of their scope. They have a statutory limitation in the scope. We know what it is.

Mr. GERSHEL. I expressed an opinion. I believe that to be accurate. But again you're trying to have me answer with precision the scope of their investigation, the areas of inquiry. And I cannot do that. I'm uncomfortable doing that. I don't know the precise answer to that question. I believe the way the question was presented to me, I tried to answer to the best of my understanding, and I would answer it the same way again. But if there's some doubt about the accuracy of my answer, please, you should address those questions to the Office of Independent Counsel, Mr. Wilson.

Mr. WILSON. Well, no. Actually we need to address these questions to you, because you're making representations that go out to people and try to communicate something to people, and they don't appear to be entirely accurate. What you're trying to do, it seems, is cloak the investigation. You're trying to use the Office of the Independent Counsel to confer some kind of legitimacy to the Justice Department investigation.

Let me ask you a very specific question. Can the Office of Independent Counsel address any matters that pertain to the decision by Secretary Babbitt to deny a gaming permit to a Hudson, WI dog track?

Mr. GERSHEL. I don't know the answer to your question. I'm not familiar with the jurisdiction of the independent counsel.

Mr. WILSON. Fair enough. When this all started back in March, we made a very specific request for special counsel to be appointed. We pointed out that we thought it may not even be legally appropriate for there to be a joint investigation between the Department of Justice and the Office of Independent Counsel. The Department of Justice communicated to us that they thought it was because they had looked at the law and fully understood the jurisdictional issues here.

Now, you are the main man in terms of this investigation, and you're coming here today and you're telling us you really don't have a clue as to what the jurisdictional issues are with DOJ and the Office of Independent Counsel. And it seems to us that you're probably the one person that should be able to clearly say, we can do certain things, they can do certain things, and they can't do what we can do, and we can't do what they can do. I mean, it seems like you should be the one person to explain that to us. Who from the Department of Justice would be able to do that?

Mr. GERSHEL. I'm not sure. I would have to—I'd have to go back and determine that for you. I'm doing the best I can to answer your question regarding the jurisdiction of the independent counsel.

Mr. WILSON. OK. Fair enough. Just one bit of followup on a line of questioning we were going down a moment ago. We were talking

about the committee's subpoenas to obtain documents from the State Department, the Commerce Department, the White House.

We also subpoenaed the DNC. We asked the DNC for subpoenas served upon it by the task force. Now, despite the fact that the subpoena was served over 6 weeks ago, the DNC has failed to comply because the Department of Justice has prevented it from doing so. This was communicated to us today. The DNC, however, is either a witness or a target of the Department in this investigation.

Now I am going to read some words that your immediate superior, Assistant Attorney General Robinson, spoke at our last hearing. He testified under oath,

Although a prosecutor may prefer that a witness not disclose information about a pending case, the government does not have any right to dictate who a witness can or cannot talk to. Witnesses do not belong to either side of a matter. As a matter of due process and prosecutorial ethics, the government cannot threaten or intimidate a witness for the purpose of preventing a witness from talking to a subject or a target of investigation or from exercising their first amendment rights.

Now, isn't that what the Department of Justice is doing now in terms of preventing the DNC from complying with the congressional subpoena?

Mr. GERSHEL. Absolutely not. The DNC has never been told not to comply with this committee's subpoena. To the contrary, it's not my understanding. I have not had contact with them. It's my understanding they were told to fully comply with the subpoena. Even as to our dialog in our discussions with the State Department, we have never said, do not comply with the subpoena. We simply asked for the courtesy of reviewing the information, our documentation, as accumulated before it's released.

We have never suggested that anyone should not comply with subpoenas. I recognize the importance and the significance of subpoenas. I issue subpoenas. I would like them complied with. You issue subpoenas, you want them complied with. What I'm trying to explain here is the process by reaching that control. But the DNC has never been told not to comply with your subpoena, and I state that categorically right now.

Mr. WILSON. OK. Well, there is confusion coming from them to us, and I understand that you have no knowledge of that necessarily. So obviously you've been about as unambiguous as you can possibly be. The DNC should comply with our subpoena. We will expect that. We will ask them to do that when we leave the hearing.

Mr. BURTON. Would you be willing, Mr. Gershel, to give us a letter to the effect that you urge compliance with our subpoenas by the DNC; that there's no objection from the Justice Department that there be a compliance. I'm not sure that should be necessary, but I want to make sure that they know over at the DNC, or the RNC for that matter, if we're asking for something, that the Justice Department fully expects them to comply with subpoenas that are lawfully issued by the Congress.

Mr. GERSHEL. Chairman, may I have 1 minute to confer with my peers, please?

Mr. BURTON. Sure.

Mr. GERSHEL. Thank you.

[Discussion off the record.]

Mr. GERSHEL. Mr. Chairman, I thank you. We've conferred and we will prepare a letter that I think will satisfy this committee.

Mr. BURTON. Thank you very much.

Mr. WILSON. OK. At this time I will wrap it up. The last couple of questions. We got into this a little earlier. The Attorney General made a very clear statement on August 23rd. She said, "I have concluded there is no reasonable possibility that the further investigation could develop evidence that would support the filing of charges for making a willful false statement."

On Friday we got a new stack of e-mails. Can you tell us one way or another whether the Attorney General had all the e-mails we got last week when she made her pronouncement on August 23?

Mr. GERSHEL. Mr. Wilson, I can't comment specifically on what she had or didn't have in front of her. What I can tell you is what I believe I testified to earlier this afternoon; that in the course of this investigation as e-mails are reconstructed from the backup tapes, if there's information that we believe is relevant to a re-evaluation or reconsideration of that decision, we would not be hesitant to bring that information to her information. But specifically what she had in front of her when that decision was made, I can't respond to that because I'm not in a position to know.

Mr. WILSON. Fair enough. Let me provide some information to take to her attention. It appears that Karen Skelton, the author of some of the e-mails we got, the person who talks about the FR, the fundraisings, it appears that she was the Vice President's political director, one of his most senior staff.

We got a letter from the White House today, and they say to the best of their knowledge Karen Skelton has never been interviewed. Now, we have also have a list of the 302s that the Department of Justice has compiled. Karen Skelton's name is not on that. It seems to me that if you were making a determination of the veracity or lack thereof of statements by an individual, you would talk to the person who was there, one of their senior political advisors and the author of documents that are of extraordinary probative importance to this matter. So I mean, I guess we can provide to you now the name of Karen Skelton. Can you tell us now, has Karen Skelton ever been interviewed by the task force?

Mr. GERSHEL. I can't comment on that.

Mr. WILSON. There was a fair indication earlier—we asked if you knew who she was, and you'd never heard of her.

Mr. GERSHEL. It would be inappropriate for me to comment at this point in time whether or not she has been interviewed or will be interviewed. I appreciate the points you've made. I will take that under consideration with respect to the investigation, the importance of her.

Mr. WILSON. I appreciate your points, but earlier you said you'd never even heard of her.

Mr. GERSHEL. I didn't say that. If I did, I misspoke.

Mr. WILSON. Well, Mr. Barr asked you if you knew who she was and you said no.

Mr. GERSHEL. I don't believe that was my answer.

Mr. WILSON. Those are all my questions.

Mr. BURTON. Does the minority have any further questions?

I want to make sure we're clear on that for the record. Did you say that you knew that she did work for the Vice President, the lady in question?

Mr. GERSHEL. Mr. Chairman, it's my recollection, I believe my answer was that I believe she worked for the Vice President, was associated with the Office of Vice President. I believe that was my answer.

Mr. BURTON. We'll check the record. But if the statement by majority counsel was not accurate on that, we will correct that for the record. But we will check the record and go back on that.

Mr. WILSON. And if I did misspeak, I do apologize for that.

Mr. GERSHEL. Thank you.

Mr. BURTON. Let's say I know, Mr. Gershel, we're winding this thing up now, I know you and the people at the Justice Department look at this committee, and probably the chairman in particular, with a great deal of consternation, and I understand that. I want you to know that we really just want to get the facts out to the American people and bring those people who break the law to justice.

We have had the opinion, hopefully I'm wrong, but I've been of the opinion that the Justice Department has not been as diligent as they should be in pursuing some people because of their position in this government and bringing them to justice. I hope that I'm incorrect. But we'll continue to pursue this, and hopefully we can work together to reach some conclusions instead of being in an adversarial situation. I don't like that anymore than you guys do.

Mr. GERSHEL. Mr. Chairman, I think our goals are probably one and the same: the achievement of justice. And I should indicate that I am a career prosecutor. I'm not a political appointee. I do the job the best way I can, as thoroughly as I can without regards to who it is that we're looking at. And I just needed to say that.

Mr. BURTON. OK. Thank you very much. We will be back in touch with you. We stand adjourned.

[Whereupon, at 5:50 p.m., the committee was adjourned.]

[The prepared statement of Hon. Helen Chenoweth-Hage and the information referred to follow:]

Statement of Congressman Chenoweth-Hage
Committee on Government Reform
 2157 Rayburn House Office Building
 September 26, 2000

Thank you, Mr. Chairman. I appreciate and want to thank the committee and the Chairman for scheduling today's hearing. The topic of, "*Contacts between Northrop Grumman Corporation and the White House Regarding Missing White House E-Mails*" is both timely and important.

Over the past several months this committee has investigated why the White House has been so slow in reconstructing the e-mails that were so conveniently overlooked during the campaign finance investigation and the impeachment inquiry. What this committee has discovered is truly amazing. Evidently, low-level Northrop Grumman employees were directly threatened by senior White House employees. Is there no depth to which this Administration will go?

Today we were to hear from Mr. Earl Silbert, a lawyer who represented Northrop Grumman. He was seemingly retained when it became obvious that the White House was trying to 'manage' Northrop Grumman employees without Northrop Grumman's input. I admire this company for taking steps to protect their employees. All too often, in the world of major corporations, low-level employees are not protected from senior-level harassment. It is to Northrop Grumman's credit that they take their obligation to protect their employees seriously. Unfortunately, he is not appearing today.

It is important for this committee to discover what was known by whom, when, and why. Assertions of privilege to protect White House personnel who threatened Northrop Grumman's own employees are simply unacceptable.

Mr. Chairman, it is also critical that the White House staff finally and fully answer our questions concerning the extent of their knowledge of the e-mail problem. I hope Deputy Assistant Attorney General Alan Gershel will be helpful in answering some of our questions concerning the White House's actions. Over the past several months, this committee has heard time and time again, excuses, vague explanations, denials, and seemingly coordinated stories. Just once, so it would be nice to hear a clear and concise explanation of what actually happened.

Mr. Chairman, I am heartened that this committee is continuing to investigate this situation. The other side would like this issue to go away, as would I. However, this is impossible when we are dealing with a White House that obscures, obfuscates, and obstructs justice as a habit.

Thank you, Mr. Chairman.

GAO

United States General Accounting Office

Briefing Report to the Chairman
Committee on the Judiciary
House of Representatives

May 2000

CAMPAIGN FINANCE TASK FORCE

Problems and
Disagreements
Initially Hampered
Justice's Investigation



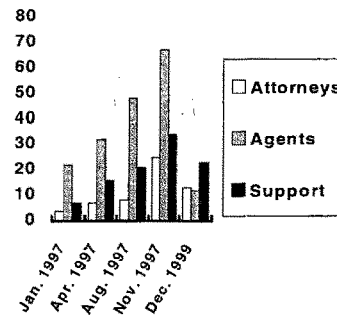
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GAO Results - Staffing Trends

- CFTF staffing has fluctuated depending on its operational phase.
 - When CFTF was established, the investigation was only beginning and its scope was still unknown. As more information was developed, staffing grew.
 - In the summer and fall of 1997, CFTF staffing began to increase rapidly, reaching its peak in late 1997.
 - As of December 31, 1999, CFTF had completed 70 of the 121 investigations it had initiated and was focusing on completing its work on the 51 ongoing. As a result, staffing has decreased significantly.

GAO Results - Staffing Trends (cont'd)

- In January 1997, there were 4 attorneys, 22 agents, and 7 support staff.
- In April 1997, CFTF had grown to 7 attorneys, 32 agents, and 16 support staff.
- By the end of August 1997, CFTF staff numbered 77, which included 8 attorneys; 48 agents; and 21 support staff.
- At its peak, in November 1997, staff numbered 126, including 24 attorneys, 67 agents, and 35 support staff.
- As of December 31, 1999, staff numbered 48, including 13 attorneys, 12 agents, and 23 support staff.



41

Note: Support staff included computer support, paralegal, intelligence research staff, financial analysts, and clerical.

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BERNARD SANDERS, VERMONT,
INDEPENDENT

April 13, 1999

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, DC 20530

Dear Attorney General Reno:

On March 26, 1999, I wrote you regarding a March 22 letter you received from Chairman Burton asking you to investigate possible criminal violations by Charles N. Duncan, who has served since 1994 as Associate Director of the Office of Presidential Personnel at the White House. In that letter, I noted that I was preparing an analysis of the evidence relating to Mr. Duncan. I am now providing you with this information.

As I wrote in my March 26 letter, I believe that Chairman Burton's allegations are an indefensible smear against Mr. Duncan and that Chairman Burton's letter grossly distorts the facts and omits extensive exculpatory evidence. Chairman Burton's allegations are based almost entirely on his staff's notes taken during an informal interview of a former Senate staffer, Steven Clemons. Mr. Clemons, however, has repudiated Chairman Burton's characterization of his statements. Furthermore, there is additional extensive evidence which contradicts Chairman Burton's allegations.

A reprehensible practice is emerging in the Government Reform Committee in which the majority asks the Department of Justice to consider criminal charges against individuals whose testimony before the Committee is inconsistent with the majority's theories regarding misconduct in the Clinton Administration. On September 17, 1998, Rep. McIntosh wrote you to request that the Department of Justice investigate whether Deputy Counsel to the President Cheryl Mills committed perjury, lied to Congress, or obstructed justice during the Committee's White House Database investigation. This criminal referral was based on nothing more than a dispute involving the timing of the production of certain documents. More recently, on March 12, 1999, Chairman Burton wrote to ask you to investigate "several false statements" allegedly made to the Committee by Democratic contributor Ernest G. Green. The allegations against Mr. Green were promptly leaked to Robert Novak, who repeated them in his March 18 column in the Washington Post.

Unfortunately, Chairman Burton's referral regarding Mr. Duncan appears to be part of this practice.

The Honorable Janet Reno
 April 13, 1999
 Page 2

I. CHAIRMAN BURTON'S ALLEGATIONS

Chairman Burton believes that Charles Duncan may have made false statements in his April 20, 1998, answers to six interrogatories from the Committee. Three of the answers concerned possible communication between Mr. Duncan and Mr. Clemmons when Charlie Trie was under consideration for an appointment to the Commission on United States-Pacific Trade and Investment Policy ("Bingaman Commission"). In his answers, Mr. Duncan stated that he never said Mr. Trie's name came from high levels in the Administration; that he never said Mr. Trie was a "must appointment"; and that to the best of his recollection, no one ever expressed opposition to Mr. Trie's appointment to the Bingaman Commission.

The other three answers concerned the role of political contributions in appointments. Mr. Duncan stated that he never checked the amount that potential appointees to the Bingaman Commission contributed to the DNC or the Clinton/Gore campaign; that he never checked the amount that potential appointees to other positions gave to either the DNC or the Clinton/Gore campaign; and that he did not keep in his possession a list of donors or supporters of the DNC or the Clinton/Gore campaigns.

Chairman Burton believes that Mr. Duncan's responses may be false because they are "irreconcilable" with notes that his staff took during an interview with Mr. Clemmons, who was a staff member in Senator Jeff Bingaman's office during the time that the Administration was forming the commission. According to the majority's interview notes, Mr. Clemmons told Chairman Burton's staff that Mr. Duncan told Mr. Clemmons that Mr. Trie's appointment came from "high up in the White House"; that Mr. Trie was an "absolutely must appointment"; and that Mr. Duncan "checked all recommendations for the Bingaman Commission against a list of donors to the DNC and the campaign." Also according to the notes, Mr. Clemmons sent a series of e-mails and had a series of phone conversations with Mr. Duncan in which he objected to Mr. Trie being on the Bingaman Commission.

II. THE ACTUAL RECORD DOES NOT SUPPORT CHAIRMAN BURTON'S ALLEGATIONS

A. Steven Clemmons Has Repudiated Chairman Burton's Allegations

The so-called "testimony" of Steven Clemmons referred to in Chairman Burton's letter is almost the entire basis for Chairman Burton's claims that Mr. Duncan made false statements to the Committee. Yet even Mr. Clemmons disagrees with Chairman Burton's characterizations of his statements.

Steven Clemmons was interviewed in his office by two junior attorneys on the majority Committee staff on December 5, 1997, and on December 10, 1997. The minority staff was not invited to these interviews, nor was Mr. Clemmons represented by counsel. Mr. Clemmons never testified under oath before the Committee -- either in a hearing or in a deposition -- and he never was asked to answer written interrogatories. The "testimony" referred to by Chairman Burton is

The Honorable Janet Reno
 April 13, 1999
 Page 3

not testimony, but the majority staff's notes characterizing what Mr. Clemons told them.

Chairman Burton released his staff members' interview notes in February 1998. Mr. Clemons immediately issued a statement complaining about the release and disputing the accuracy of the notes, a copy of which is attached. According to the statement released by Mr. Clemons on February 25, 1998:

I had never seen these notes before, and I have never been given an opportunity by the Committee to acknowledge whether they accurately represent the discussion I had with members of the majority staff of the House Government Reform and Oversight Committee. In fact, the notes have significant inaccuracies and misrepresentations . . . about the important matters which were discussed.

Moreover, Mr. Clemons's statement that the majority's characterization of his interview contained "significant inaccuracies and misrepresentations" was confirmed by the minority staff. After the majority staff attorneys interviewed Mr. Clemons, two attorneys from my staff interviewed him, including my Chief Investigative Counsel. Unlike the majority's previous interviews, this interview occurred in the presence of Mr. Clemons' counsel.

During this interview, Mr. Clemons said that the minority staff asked him much more specific and comprehensive questions about Mr. Trie's appointment to the Bingaman Commission than he had been asked in his prior interviews by the majority attorneys. In fact, Mr. Clemons provided information that puts his contacts with Mr. Duncan in a vastly different context than that provided in the majority staff's interview notes. For example, Mr. Clemons said that he never had more than a very brief conversation with Mr. Duncan; that he believed Mr. Duncan was not a decision maker; and that Mr. Duncan never mentioned the Democratic National Committee, donors, or political contributions. Mr. Clemons said that Mr. Duncan told him that Mr. Trie was a small businessman and that small business experience was important on the Bingaman Commission.

B. Documentary Evidence Contradicts Chairman Burton's Allegations

Documentary evidence also raises questions about the accuracy of the facts in the majority interview notes. For example, while the notes say that Mr. Clemons "raised objections to two other individuals being appointed: Ko-Yung Tung and Jackson Tai," a letter from Senator Bingaman to President Clinton states that the Senator "think[s] there is a good rationale for Ko-Yung Tung [and] Jack Tai" being appointed to the Bingaman Commission. See Letter from Senator Jeff Bingaman to President Bill Clinton (July 26, 1995).

Furthermore, in discussing the Executive Order that changed the size of the Bingaman Commission to allow more than 15 members, the majority notes say that "[t]his expansion was in no way done at Bingaman's request." However, a letter from Senator Bingaman specifically suggests that "the Executive Order be amended" to allow more commissioners. See *id.* In fact, documents show that less than two months after the date of this letter from Senator Bingaman, the Administration began working on amending the Executive Order to allow more than 15

The Honorable Janet Reno
April 13, 1999
Page 4

members.

C. Chairman Burton Omitted Sworn Testimony which Fully Supports Mr. Duncan's Account

Chairman Burton's letter also failed to inform you that the Committee deposed a number of other witnesses whose testimony indicates that Mr. Duncan was truthful in his testimony regarding Charlie Trie's appointment to the Bingaman Commission. Each one of these deponents corroborated Mr. Duncan's account.

1. The Deposition Testimony of Lottie Shackelford, Bob Nash, and Ernest Green

Mr. Duncan testified in his deposition that he had conversations about Mr. Trie with three people who knew Mr. Trie from Arkansas: Lottie Shackelford, Bob Nash, and Ernest Green. All three were deposed by the Committee. Their testimony corroborates the deposition testimony of Mr. Duncan.

Lottie Shackelford. In her deposition, Ms. Shackelford, a former mayor of Little Rock, testified that Mr. Duncan asked her about Mr. Trie. Deposition of Lottie Shackelford at 52. Ms. Shackelford testified that she spoke favorably of Mr. Trie to Mr. Duncan, did not discuss Mr. Trie's political contributions with Mr. Duncan, and indicated that Mr. Trie was fit to serve in a government position. *Id.* at 52-55. This is consistent with Mr. Duncan's testimony. Deposition of Charles Duncan at 98-99, 101-02.

Bob Nash. Mr. Nash, the head of the Office of Presidential Personnel, testified in his deposition that Mr. Duncan asked him about Mr. Trie, that he spoke favorably of Mr. Trie to Mr. Duncan, and that he told Mr. Duncan that he felt that Mr. Trie was qualified to serve on the Bingaman Commission. Deposition of Bob Nash at 92-93. This is consistent with Mr. Duncan's testimony regarding his conversation with Mr. Nash. Deposition of Charles Duncan at 99.

Ernest Green. Mr. Green also testified in his deposition that he recommended to Mr. Duncan that Mr. Trie receive an Administration appointment, and that they had a follow-up conversation where Mr. Duncan told Mr. Green that Mr. Trie was being considered for a trade advisory board and asked if Mr. Green would support him. Deposition of Ernie Green at 127, 137-38. This is consistent with Mr. Duncan's testimony regarding his conversation with Mr. Green. Deposition of Charles Duncan at 99-100.

2. The Deposition Testimony of Phyllis Jones and Peter Scher

Mr. Duncan also spoke about Mr. Trie's appointment with the U.S. Trade Representative staff. The deposition testimony of Phyllis Jones corroborates the deposition testimony of Mr. Duncan. Furthermore, the deposition testimony of Peter Scher is not only consistent with the testimony of Mr. Duncan, but directly refutes the majority staff's characterization of what was purportedly said during the interview of Mr. Clemmons.

The Honorable Janet Reno
 April 13, 1999
 Page 5

Phyllis Jones. Ms. Jones was the Assistant U.S. Trade Representative who served as the "gatekeeper" for the many names suggested for the 34 advisory committees associated with USTR. Names came from sources such as members of Congress, the State Department, the Commerce Department, and the National Economic Council. Deposition of Phyllis Jones at 23, 37, 106. Ms. Jones testified that the Administration was seeking candidates with diverse backgrounds of geographics, ethnic groups, industries, and business size for the Bingaman Commission. *Id.* at 21. Ms. Jones said that Mr. Duncan brought Mr. Trie's name to her attention, and that Mr. Trie was suggested because he was both a small businessman and an Asian-American -- not because of his political contributions or affiliation with the DNC. *Id.* at 58-60. Ms. Jones also corroborated Mr. Duncan's testimony that he never described Mr. Trie as a "must appointment" or stated that his name had come from a "high level" in the Administration. *Id.* at 59-60. This is consistent with Mr. Duncan's testimony about his conversations with Ms. Jones.

Furthermore, Ms. Jones testified that neither Steven Clemons nor anyone else in Senator Bingaman's office ever raised any concerns about Charlie Trie being appointed to the Bingaman Commission. *Id.* at 83. She recalled receiving no e-mails or other written documents expressing concern about Mr. Trie's appointment from Mr. Clemons or anyone else, and she was unaware of anyone expressing concern about Mr. Trie to Mr. Duncan. *Id.* at 83-84.

Peter Scher. Mr. Scher was the chief of staff to the United States Trade Representative in 1995. He testified that he spoke to Steven Clemons about the Bingaman Commission, but that Mr. Clemons never said he was frustrated by the appointment process, never said that there were too many political people on the Bingaman Commission, and never indicated a concern about the quality of the people on the Bingaman Commission. Mr. Scher's sworn testimony also directly refutes the majority staff's notes of their interview with Mr. Clemons, which said that "Clemons told Scher that he was worried about the quality of the appointments." Mr. Scher testified that Mr. Clemons never told him he was concerned about the quality of the appointments. Deposition of Peter Scher at 32.

As is obvious from these summaries, Mr. Duncan's extensive testimony about Charlie Trie's appointment to the Bingaman Commission was fully corroborated by the sworn testimony of other important and credible witnesses whose testimony has not been challenged.

D. Chairman Burton Misquoted Testimony to Make It Appear Incriminating

One of Chairman Burton's chief allegations is that Mr. Duncan made a false statement to Congress when he stated in his answers to the interrogatories that "no one expressed opposition" to Mr. Trie. According to Chairman Burton, Mr. Duncan's statement is "flatly contradicted by Clemons' account."

Unfortunately, Chairman Burton selectively quoted Mr. Duncan's answer. What Mr. Duncan actually said was, "To the best of my recollection, no one expressed opposition to me." Given the substantial inaccuracies in the notes taken by Chairman Burton's staff, it is unclear if

The Honorable Janet Reno
 April 13, 1999
 Page 6

Mr. Clemons did express opposition to Mr. Trie to Mr. Duncan. Even if such opposition were expressed, however, Mr. Duncan's failure to recall Mr. Clemons's statement could not possibly be the basis for criminal charges. During the time period in question, Mr. Duncan was handling hundreds, if not thousands, of presidential nominations. Under these circumstances, it is not surprising that Mr. Duncan would be unable to recall, three years later, whether opposition was expressed to one of 18 members of a minor commission.

Thus, you should not be misled by Chairman Burton's selective editing. A normal and understandable inability to recall is not a federal criminal offense.

III. ADDITIONAL KEY INFORMATION THAT CHAIRMAN BURTON LEFT OUT OF HIS LETTER

Throughout his letter to you, Chairman Burton repeatedly creates a misleading impression by leaving out critical facts. By omitting this information, Chairman Burton creates the appearance of wrongdoing when, in fact, none is present. The following are some examples of such material omissions.

A. White House Donor Lists

According to Chairman Burton, a key piece of evidence that Mr. Duncan lied to the Committee is a database spreadsheet of potential appointees from the Office of Presidential Personnel that is "entirely composed of major donors and supporters of the DNC and the Clinton-Gore campaign." Chairman Burton's theory appears to be that only contributors and supporters were considered for presidential appointments.

Chairman Burton, however, omitted the fact that this list is actually a heavily redacted list produced by the White House in response to the Committee's requests for the names of contributors considered for appointments. It does not include the names of any individuals who did not make contributions who were considered for appointments.

The appointments to the Bingaman Commission themselves corroborate Mr. Duncan's deposition testimony that "the fact that someone made a contribution does not disqualify them from consideration. Nor is it the sole criteria upon which appointments are based." Deposition of Charles Duncan at 177-78. Of the 18 commissioners, at least six were Republicans, one was a political independent sponsored by Republican Senator Orrin Hatch, and others were not politically active, including a college professor, a journalist, and a senior fellow at the Council on Foreign Relations.

B. Obstruction of the Investigation

In Chairman Burton's letter, he repeatedly accused Mr. Duncan of obstructing the Committee's investigation. For example, he states that "[i]f Charles Duncan knowingly made false statements to the Committee, those statements prevented the Committee from learning the whole truth about the appointment of Charlie Trie to a governmental post."

The Honorable Janet Reno
April 13, 1999
Page 7

In fact, however, Mr. Duncan actually cooperated extensively with congressional investigators. Mr. Duncan appears to have done everything asked of him throughout the congressional campaign finance investigations. On August 13, 1997, he appeared voluntarily for a deposition by the Senate Committee on Governmental Affairs that lasted over two hours. He then voluntarily appeared before this Committee for another deposition on September 4, 1997, that lasted an additional 5 hours and 42 minutes. This deposition testimony makes clear that Mr. Duncan in no way "repeatedly attempted to avoid answering fundamental questions regarding Trie's appointment," as Chairman Burton alleges in his letter.

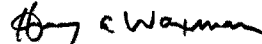
Mr. Duncan also agreed to testify voluntarily before the Committee in February 1998. Chairman Burton, however, canceled the hearing the night before Mr. Duncan was scheduled to testify.

Finally, Mr. Duncan voluntarily responded to the Committee's April 1998 interrogatories even after Chairman Burton made available to the press his staff's interview notes with Steve Clemens.

IV. CONCLUSION

Charles Duncan is a long-time government employee whose public service has spanned several administrations and whose reputation has been, until now, unblemished. I hope that the Department of Justice Campaign Finance Task Force will evaluate Chairman Burton's allegations against the objective facts in the record.

Sincerely,



Henry A. Waxman
Ranking Minority Member

Attachment

cc: Members of the Committee on Government Reform
David Vicinanza, Esq.



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September 27, 2000

By Hand

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

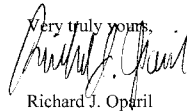
Re: September 26, 2000 E-Mail Hearing

Dear Congressman Waxman:

At yesterday's hearing, I understanding that Chairman Burton released a letter to Judge Lamberth pertaining to representations that I made to the Court in the case filed by Judicial Watch, *Alexander v. FBI*.

The allegations in Chairman Burton's letter are absolutely untrue, as outlined in the attached September 27, 2000 letter to Judge Lamberth. I would appreciate your including my response to those allegations in the record of the hearing.

Please call me if you have any questions. Thank you for your assistance on this matter.

Very truly yours,

Richard J. Oparil

/ro
Enclosure



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September 27, 2000

By Hand

Hon. Royce C. Lamberth
United States District Judge
United States District Court
for the District of Columbia
333 Constitution Avenue, N.W.
Washington, DC 20001

Re: *Alexander v. Federal Bureau of Investigation*
Civil Action No. 96-2123 (RCL)

Dear Judge Lamberth:

Together with Earl J. Silbert, I represent Northrop Grumman Corporation, a non-party witness subpoenaed on August 2, 2000 to produce documents to the plaintiffs. In a letter addressed to you dated September 26, 2000, Congressman Dan Burton alleges that I "intentionally misled the Court in stating that there had not been any contacts between Silbert and the White House regarding the e-mail matter." For the record, that allegation is absolutely not true.

While we do not have the transcript of the August 16 hearing, I recall representing that I had reviewed the Northrop Grumman file pertaining to the e-mail matter and did not find any written document reflecting communications with the White House Counsel's Office in 1998. I also reported that Mr. Silbert had no recollection of speaking to Charles Ruff or anyone else in the Counsel's Office pertaining to Northrop Grumman in 1998. Those representations were and are true.

The billing records for the Northrop Grumman matter were not part of the client file that I reviewed. Billing records are maintained by the firm's accounting department and I did not review those records prior to the August 16th hearing.

Your Honor will recall that I undertook to determine whether any telephone messages existed reflecting communications between Mr. Silbert and the Counsel's Office in



Hon. Royce C. Lamberth
September 27, 2000
Page 2

1998 pertaining to Northrop Grumman. On September 13, I reported to you and counsel of record on the results of that search. I provided, for in camera review, one telephone message slip and two billing entries. Congressman Burton's letter fails to mention my September 13th letter and that we voluntarily provided the Court with the message slip and the billing entries.

Thank you for your attention.

Very truly yours,

Richard J. Oparil

cc: Hon. Dan Burton (by hand)
Hon. Henry Waxman (by hand)
Larry Klayman, Esq. (by fax)
Elizabeth Shapiro, Esq. (by fax)