

STATEMENT OF REP. HENRY A. WAXMAN
BUSINESS MEETING OF THE HOUSE COMMITTEE ON GOVERNMENT
REFORM
May 18, 2000

I'll try to summarize this situation as quickly and best as I can.

This letter—which I have already circulated and is dated August 6, 1998—was sent to the Chairman from the Democratic members of this Committee. It summarizes specific and credible allegations that a Republican businessman, Peter Cloeren, made about Tom DeLay. It's worth noting that in the four years of this Committee's investigation into illegal fundraising activities and conduit contributions, it is the only instance in which a participant in a conduit scheme implicates an elected official or official with a party organization in illegal activity. The only instance.

I can't share the Chairman's response to this 1998 letter because he never sent a reply.

We raised this issue again at a hearing on October 8, 1998, in a letter on November 8, 1999, and at a Committee meeting on November 10, 1999. The Chairman refused to act.

In total, we have asked the Chairman on at least 16 occasions to investigate campaign finance abuses involving Republicans. But the Chairman has repeatedly refused to conduct any meaningful investigation.

Now some may wonder why we didn't go around the Chairman and bring this matter straight to the Committee for a vote. The answer is that the rules prohibit us from doing that.

In 1997, when Mr. Burton became Chairman, he sought the unilateral power to issue subpoenas. We opposed that on this side but lost as all the Republican members delegated that power to the Chairman. Since then, he's issued 914 unilateral subpoenas, and 99% of those have been sent to Democratic targets. To put that in context, from the 1950s to 1994, no Chairman of any Committee issued a unilateral subpoena. Zero for 40 years, compared to over 900 in less than four years.

During the 1997 subpoena debate, we asked that if Chairman Burton refused our requests for subpoenas, we be allowed to appeal that decision to the full Committee. Mr. Burton opposed that proposal and with the votes of every Republican member rejected our suggestion.

So in this Committee Chairman Burton has had the ability to issue any subpoena he wished—without being accountable to anyone. That's why ridiculous, frivolous subpoenas, like the one issued to six-year-old Elian Gonzalez, are sent from this Committee without any scrutiny or debate.

In almost every case Mr. Burton has the exclusive authority to send subpoenas and reject the subpoenas we request.

But there is one exception—the minority can make a subpoena request at a hearing if the request is relevant to the subject matter of the hearing. And on May 3, a Justice Department witness was here to discuss the production of interview summaries to the Committee. So that was our first opportunity to make a motion for the Haley Barbour and Tom DeLay interview summaries.

During the May 3 hearing—nearly two hours before I raised it publicly—my staff informed the Republican staff that I intended to make a motion. Our staffs negotiated how many interview summaries would be requested, and when I made the motion we had further discussion in Committee. Mr. Burton proposed that instead of voting on this matter, we agree to a subpoena that listed both Republican and Democratic interview summaries. Here is a video excerpt from that hearing.

Mr. Barr was the only member to object to the agreement.

Last week, however, I received a letter from the Chairman informing me he wasn't going to honor the May 3 agreement. And to rationalize his decision, he claimed no notice was given on the motion. Notice is irrelevant, of course, since it is not required by the rules. But beyond that, Mr. Burton and his staff know they had notice before I ever introduced the motion. That's why we had time to negotiate.

Even worse, the Chairman tried to rationalize his breach by falsely accusing us of tricking him. He claims that I must have known about a lawsuit the Democratic Congressional Committee filed against Tom DeLay on the same day of

our Committee hearing. Mr. Burton wrote that “it strains credulity” to believe the two weren’t related.

I want to be absolutely clear on this point—neither I nor my staff involved with the subpoena request had any knowledge of the DCCC lawsuit. And as far as I can tell, that lawsuit is unrelated to the materials we requested.

But I am astounded that Mr. Burton would have suggested this in a letter without ever asking me about this. His staff never asked whether there was a connection. Instead, without any apparent hesitation he sent a letter raising a false accusation, making no attempt to learn the facts. Is that how we are supposed to act here?

In the case of the Haley Barbour interview notes, Mr. Burton can’t rely on these false allegations. So instead, he simply distorts his commitment. As the video clip clearly showed, Mr. Burton promised to subpoena the records he wants and the Barbour records that I want at the same time -- “simultaneously,” to use his own word. But now he is saying that he won’t issue any subpoena for the Barbour records until after the Justice Department gives him what he wants.

In effect, this means that Mr. Burton will never issue the Barbour subpoena. He knows that a portion of the information he seeks relates to open criminal investigations, which the Department cannot release.

To my Republican colleagues, I ask that you reflect on the reality you have

created in this Committee room.

All our power is delegated to the Chairman. He's answerable to no one. Subpoenas are handed out like press releases. False accusation after false accusation is made. We duplicate investigations of others. To take but one example, we have received nearly 700,000 pages of Waco documents, conducted over 60 Waco interviews, and taken at least nine Waco investigative trips. All the while, Senator Danforth's investigation is covering the very same ground.

I understand that Tom DeLay and others might be unhappy about our agreement. But we have an agreement between Mr. Burton and the members of this Committee.

If the commitment is going to be dishonored, I would hope that it at least be done in a forthright manner. Instead, the absolutely worst option possible has been followed.

Without bothering to talk with us, the Chairman is reneging on his commitment on the basis of untrue allegations that he didn't investigate.

I simply don't understand how you expect the Democrats on this Committee to respond when we are treated this way. Precedent, decency, the integrity of the House compel the May 3 agreement to be honored, and I am asking all the Committee members to support my motion.