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Congress of the United States

House of Representatives

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May 4, 1998

The Honorable Henry Waxman
Ranking Minority Member
Committee on Government Reform and Oversight
Washington, D.C. 20515

Dear Henry:

I am writing in response to your letter of May 3 regarding the Hubbell prison recordings. In your letter, you accuse me of selectively editing the tapes to leave out comments that tend to exonerate people. In fact, when you review the entire record, I believe that you will see that just the opposite is true. I in fact left ou t a number of incriminating conversations.

As you know, Committee staff worked for two weeks to edit out hours and hours of personal conversations so that the Committee could release only those conversations that have a bearing on our investigation. In the process, 150 hours of conversations were narrowed down to close to one hour. In such a massive undertaking, anyone could argue after the fact that this or that passage should have been included or excluded from the final product.

I don't disagree with the argument that the remarks Mr. Hubbell made about Mrs. Clinton on Tape 5B should have been included in the transcript. However, I am sure you are aware that other remarks made by Mr. Hubbell that put Mrs. Clinton in a more favorable light were included in the transcript. Specifically, on tape 35B, Mr. Hubbell says, *"What it all boils down to is they can't say she (meaning Hillary Clinton) did anything."* This passage was not only included in the transcript, it was underlined to draw attention to it. So the argument that all exculpatory material about the First Lady was selectively edited out just doesn't stand up to the light of day. Today, I will release the complete tapes of all 54 conversations in question so that it will become apparent that you are attempting to make a mountain out of a molehill.

Along the same lines, your argument that I selectively edited out material that puts Clinton Administration officials in a better light does not hold water. In fact, just the opposite is true. I made a decision last week not to release several tapes that contain material that casts Mr. Hubbell and others in a negative light. This decision probably was not in the best interest of the public, but I wanted to bend over backwards to be fair to Mr. Hubbell.

If you intend to persist in making these rash allegations that comments that exonerate Clinton Administration officials were selectively edited out, allegations that are not true, I will be forced to release these additional tapes to the public to prove that just the opposite is true. This is a step that I did not intend to take, but you seem intent on placing me in a position where I have no choice. The entire record will reflect that I was very fair and even-handed in respecting the people's right to know.

On another point, I would like to once again address your irresponsible allegation that two Hubbell tapes were made public by me last year in violation of Committee rules. I have written to you to inform you that these tapes were included in the Committee Record last December. I have shown you the exact point in the Committee transcript in which they were placed in the record. I cannot imagine why you continue to make this allegation in the face of the facts. You seem to be operating under the premise that if you repeat a lie often enough, it will be accepted as the truth.

Let me conclude by restating some facts that I think are obvious. Webster Hubbell was the Associate Attorney General of the United States. He was the third-highest ranking law enforcement officer in the land. He has been accused of accepting $700,000 in "hush money" by friends and associates of the President to influence his cooperation with ongoing criminal investigations. These are, needless to say, very serious allegations. The public has a right to know exactly what happened. Because Mr. Hubbell has asserted his Fifth Amendment rights not to cooperate with this Committee, we have been compelled to turn to other avenues to find the truth and report it to the American people.

In spite of your allegations to the contrary, I withheld, in the interest of fairness, information from the public that tends to incriminate Mr. Hubbell. If it appears that the public is being misled about the fairness of this process, I will have little choice but to release the information that makes the public record complete.

Sincerely,

Dan Burton

Dan Burton
Member of Congress