

**WHITE HOUSE INSIDER MARK MIDDLETON: HIS
TIES TO JOHN HUANG, CHARLIE TRIE, AND
OTHER CAMPAIGN FINANCE FIGURES**

HEARING

BEFORE THE

**COMMITTEE ON
GOVERNMENT REFORM
HOUSE OF REPRESENTATIVES**

ONE HUNDRED SIXTH CONGRESS

FIRST SESSION

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**WHITE HOUSE INSIDER MARK MIDDLETON:
HIS TIES TO JOHN HUANG, CHARLIE TRIE,
AND OTHER CAMPAIGN FINANCE FIGURES**

THURSDAY, AUGUST 5, 1999

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

The committee met, pursuant to notice, at 11:10 a.m., in room 2157, Rayburn House Office Building, Hon. Dan Burton (chairman of the committee) presiding.

Present: Representatives Burton, Gilman, Morella, Shays, McHugh, Horn, Mica, Scarborough, Barr, Miller, Hutchinson, Biggert, Ryan, Chenoweth, Waxman, and Norton.

Staff present: Kevin Binger, staff director; Barbara Comstock, chief counsel; James Wilson, chief investigative counsel; David Kass, deputy counsel and parliamentarian; Marc Chretien, senior investigative counsel; Mark Corallo, director of communications; Kristi Remington and John (Timothy) Griffin, senior counsels; John Mastranadi, investigator; Michelle White, counsel; John Williams, deputy communications director; Corinne Zaccagnini, systems administrator; Carla J. Martin, chief clerk; Lisa Smith-Arafune, deputy chief clerk; Robin Butler, office manager; Kim Reed, staff assistant; Phil Schiliro, minority staff director; Phil Barnett, minority chief counsel; Michael Raphael, minority counsel; Ellen Rayner, minority chief clerk; Earley Green, minority staff assistant; Andrew Su, minority research assistant; and Lawrence J. Halloran, staff director/counsel, Subcommittee on National Security, Veterans Affairs, and International Relations.

Mr. BURTON. The Committee on Government Reform will come to order. Good morning. A quorum being present, the Committee on Government Reform will conduct its scheduled business today, but before the distinguished ranking member and I deliver our opening statements, the committee must first dispose of some procedural issues.

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

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

I ask unanimous consent that one staff report and compilation of exhibits regarding this hearing be included in the record. Without objection so ordered.

[NOTE.—The exhibits referred to may be found at the end of the hearing.]

[The information referred to follows:]

**WHITE HOUSE INSIDER MARK MIDDLETON:
HIS ROLE IN THE CAMPAIGN FUNDRAISING INVESTIGATION**

MAJORITY STAFF REPORT
COMMITTEE ON GOVERNMENT REFORM

INTRODUCTION

Mark Middleton is a former senior White House aide who has refused to cooperate with the Committee's investigation. He is also the highest-ranking Clinton Administration official to invoke his Fifth Amendment right against self-incrimination. Middleton first emerged as a figure in the campaign finance story in media reports at the end of October, 1996. At the time, Middleton was an international consultant, taking advantage of the contacts he had made as a Special Assistant to the President at the White House. As the story unfolded, the Committee found that Middleton was involved in some manner with many of the central figures under investigation, including John Huang, James Riady, and Charlie Trie. Press reports charged that Middleton had solicited foreign businessmen for contributions to the Clinton re-election effort. Middleton denied the charges, however, and has declined to cooperate with the Committee on the basis of the Fifth Amendment.

In the course of the Committee's campaign finance investigation, over 121 individuals have invoked the Fifth amendment or fled the country in response to the prospect of answering questions about matters related to the 1996 Clinton re-election campaign. The stone wall first began to crack when Johnny Chung, one of the major witnesses in the investigation, began to cooperate with the Committee in May 1999.

Chung provided numerous leads, including one that pertained to Mark Middleton. According to Chung he was to receive \$300,000 from General Ji Shengde, Military Intelligence Director of the People's Liberation Army. At their Hong Kong meeting, General Ji told Mr. Chung: "We really like your President. We hope he will be re-elected. I will give you \$300,000 U.S. dollars. You can give it to your President and Democrat Party." Chung expected the funds to come from Liu Chao Ying, a woman with whom he was going into business. Liu was the daughter of General Liu Hua Qing, who some have described as the most powerful military leader in China and also a technology expert. Chung later expressed some concern to Liu, who, in what Chung describes as an effort to assuage his concerns, told him that Mark Middleton participated in a similar scheme. According to Liu, Middleton "got half a million" from a Singapore group from someone named Hwang, Huang or Wong and the purpose of the money was 'to do good things for China,' or to benefit China.

As a matter of course, the Committee attempted to follow up on Chung's lead, and contacted Middleton's attorney, Robert Luskin. The Committee asked Luskin whether Middleton would be willing to speak with the Committee about the allegations raised by Mr. Chung. In response, Luskin sent the Committee a letter describing Middleton's voluntary and full cooperation with the Justice Department Task Force's "impartial" investigation. (Attachment 1) Nevertheless, Luskin indicated that Middleton had no desire to cooperate with

the Committee and would continue to assert his Fifth Amendment privilege. The Committee was concerned that Middleton claimed to have submitted voluntarily to interviews with Task Force attorneys and provided all documents requested, while choosing to ignore congressional requests. The Committee consulted with the non-partisan Congressional Research Service and the House Counsel's Office about whether Middleton had waived any privilege against self-incrimination that might have been claimed in response to a Committee subpoena. CRS concluded that "although the law may be contrary elsewhere, the courts here in the District of Columbia would likely conclude that the witness has waived his privilege and may not reassert it in response to the Committee's subpoena." (Attachment 2) The Committee then exchanged several letters with Luskin, ultimately issuing a subpoena for Middleton to testify. (Attachments 3-7)

The information the Committee has gathered relating to Middleton raises legitimate questions about whether he played a role in the possible illegal or unethical activities being investigated by the Committee. For instance, Mark Middleton interacted with Charlie Trie and John Huang on fundraising issues, in addition to having a personal and professional relationship with both men. Both Trie and Huang have pled guilty to fundraising violations and are awaiting sentencing. The Committee has been unable to speak with any of these individuals because they continue to invoke their Fifth Amendment privilege before the Committee. Likewise, a review of documents produced shows that Middleton had interactions related to fundraising with numerous individuals indicted by the Campaign Finance Task Force, including his client Mark Jimenez, as well as, Pauline Kanchanalak, and Johnny Chung.

I. THE WHITE HOUSE

Middleton came to Washington in 1992 after raising money for the Clinton campaign. He was a young attorney who had left the law firm of Mitchell, Williams, Selig, Gates & Woodyard, to become one of the first campaign workers for then-Governor Clinton. Middleton raised between \$4-5 million as Arkansas Director and later as Southern Finance Director. During the transition period after the 1992 election, Middleton worked for Mack McLarty, who had just been named Chief of Staff. McLarty later hired Middleton as an executive or special assistant in the Chief of Staff's Office, where he was a liaison to the Arkansas and business communities.

Upon starting at the White House in January 1993, as "Special Assistant to the Chief of Staff," he was quickly promoted to "Assistant to the Chief of Staff" in June 1993, "Special Assistant to the President and Assistant to the Chief of Staff" in October 1993, and in July 1994 became "Special Assistant to the Chief of Staff and Deputy to the Counselor." In the course of his duties, Middleton was in contact with many prominent business people and contributors to the President. As a former fundraiser, he was also in contact with the DNC and was included in formulating fundraising strategy.

A. Contacts with John Huang and James Riady

It is not clear when James Riady, John Huang, and Middleton first met. However, the relationship between the Riadys, Huang, and President Clinton began in the late 1970's in Little

Rock, Arkansas. The first documented contacts between Middleton, Huang and Riady occurred in June 1993. According to White House records, Huang, who was then living in Los Angeles and in charge of U.S. operations for the Lippo Group, visited Middleton at the White House on June 7, 1993. Shortly thereafter, James Riady met with Mark Middleton at the White House on June 28, 1993. By late March 1994 Huang and Middleton began a consistent pattern of monthly phone calls. The only records to which the Committee has access are phone message slips from the White House and Commerce Department that show numerous monthly messages from August 1994 through February 1995. As both Huang and Middleton have invoked the Fifth Amendment privilege against self-incrimination, the Committee has been unable to determine the purpose of their contacts.

Middleton also had several meetings with both Huang and Riady between June 21-24, 1994. These meetings occurred at the same time Riady was in the process of hiring former Associate Attorney General Webster Hubbell and the Administration finalized the paperwork to hire John Huang as Principal Deputy Assistant Secretary at the Department of Commerce. Middleton's attorney Luskin stated to the media that Riady told Middleton he was "helping out" Hubbell. At the time, Hubbell, who was forced to resign from the Justice Department, was a central focus of the Whitewater investigation. Numerous Clinton contributors were also "helping" Hubbell out financially, enabling Hubbell to earn a total of approximately \$700,000 for little or no work. Eventually, Hubbell pled guilty to tax evasion and mail fraud in December 1994, and recently pled guilty to charges relating to his failure to pay taxes on much of the money paid to him in that time period. It remains unclear why Middleton, Riady and Huang met several times during that short period, and whether the meetings had anything to do with the positions secured by Hubbell and Huang. In addition, that week, on June 24th, Middleton hosted the Riady family and Huang for lunch in the White House Mess and requested that the DNC reimburse him for the expense. Middleton commonly requested that the DNC reimburse him if he hosted lunch for high level DNC contributors in the White House Mess. It appears from the reimbursement that the DNC considered Riady a contributor.

By mid-July 1994, shortly after the flurry of meetings in June, Huang officially took his position at the Commerce Department and his contacts with Middleton became more frequent. James Riady, who was living in Indonesia, also called and visited Middleton at the White House when he traveled to the U.S. By mid-1994, Middleton was speaking to people about leaving the White House, and looking for business opportunities. After Middleton left the White House in February 1995, Middleton did "consulting" work for Riady while pursuing various business opportunities.

B. Contacts with Charlie Trie

Mark Middleton also had extensive contacts with DNC fundraiser and political appointee Charlie Trie. Trie recently pled guilty to causing false statements to be made to the Federal Election Commission, a felony, and making conduit contributions, a misdemeanor. Trie was a close friend of President Clinton's from Little Rock who enjoyed wide-ranging access to high level figures in the Administration. Trie used his access to advance a number of different interests, including his own and those of his Asian business associates.

It is not clear whether Trie and Middleton were acquainted before the 1992 elections, as both have invoked their Fifth Amendment privilege and refused to testify. However, the first documented contacts between Middleton and Trie began in May 1994. Trie called Middleton at the White House on May 9, 1994 and met with him the next day at the Hay Adams Hotel. Shortly after meeting with Middleton on May 14, 1994, Trie made his first large donation to the DNC, \$80,000. Trie and Middleton remained in regular contact while Middleton was employed at the White House. By June 1994, Trie had introduced Middleton to his Macau business partner, Ng Lap Seng, also known as Mr. Wu. Trie and Wu both attended several White House meetings with Middleton between August 1994 and February 1995. At one such meeting, on June 22, 1994, Middleton hosted Trie and Ng for lunch in the White House Mess. Subsequently, Middleton was reimbursed for lunch bill by the DNC, as it was a lunch with donors.

Ng frequently would fly to the U.S. to meet with Trie. Currency Transaction Reports show that Ng declared large amounts of cash upon arrival in the United States shortly before each of his meetings with Trie and Middleton. Ng brought over \$200,000 into the United States prior to his meetings with Middleton on June 22, 1994 and August 1, 1994. In addition, Ng brought \$12,000 into the country one day before a February 16, 1995 meeting with Trie and Middleton in the White House. In total, Ng provided Trie with over \$1 million between 1994 and 1996, much of which was used for contributions to the DNC. Recent media reports have indicated that Trie has told Department of Justice prosecutors that certain DNC and White House officials were aware of the foreign origins of his contributions.

Middleton's relationship with Trie continued after he left the White House in early 1995. Indeed, Middleton and Trie organized a trip to Asia to take place after Middleton left the White House. A January 26, 1995, message to Middleton from Trie states, "Charlie Trie has been invited to a dinner at the White House on the 16th [of February]. Should he go or will you be in Asia?" Other preparations for the trip included a meeting between Middleton, Trie, Ng, and representatives of the Chinese Embassy, Ms. Guo Jin and Mr. Sheng. They met at the White House the day before Middleton resigned, on February 17, 1995.

C. DNC Contacts

Prior to his position at the White House, Middleton had proven himself to be a prolific fundraiser during the 1992 Presidential election. Once at the White House, he remained involved with the DNC and Clinton fundraising strategy. He attended DNC retreats and fundraising dinners, and as McLarty's assistant, was in daily contact with some of the DNC's largest contributors. Middleton wrote an undated memorandum to McLarty regarding the care and feeding of major contributors. (Attachment 8) He outlined a plan to conduct "outreach" to major donors by providing them with invitations to White House dinners and receptions, Saturday radio addresses, and airport landings and departures. Middleton included Air Force One as the most coveted asset they had to reward their friends, "personally, with a few exceptions, I don't think there should ever be an empty seat on board the aircraft." He also suggested that the White House set aside the President's box at the Kennedy Center for financial supporters once a week.

As previously stated, Middleton often took DNC donors to lunch at the White House mess, and would be reimbursed for doing so. In January 1995, before Middleton even left the White House, he was invited to sit on the DNC Finance Board of Directors. (Attachment 9) After leaving the White House, he was in regular contact with the DNC's top fundraisers and attended numerous DNC events. In addition, Middleton met with DNC Chairman Don Fowler to discuss Middleton's work for the DNC. Don Fowler's schedule lists the purpose of the meeting, "to discuss some type of 'title' with the DNC fundraising operation. Mark wants to help us raise new Managing Trustees." (Attachment 10)

II. THE MOVE TO THE PRIVATE SECTOR

A. International Realty Investors

By mid-1994 Middleton was planning his departure from the White House. Ultimately, he went to work for Steven Green, CEO of Samsonite and Culligan Water Technologies, in his privately held real estate development company International Realty Investors ("IRI"). Green and Middleton had different ideas of what Middleton's role at IRI would be, and soon parted ways. Middleton later set up his own international consulting company.

1. The First Trip to Asia

Middleton was scheduled to leave the White House on February 17, 1995. Middleton told Green that before he started at IRI, he wanted to take a vacation, move, buy a new car and settle some family business. He asked Green for a \$25,000 advance on his yearly salary of \$125,000, which he was given. As he assumed his new position at IRI, Middleton finalized his trip to Asia. He planned to go with Charlie Trie and his brother Larry Middleton. Trie's office manager, Maria Mapili, produced an itinerary for the trip. (Attachment 11) According to the itinerary, they planned to travel to the following cities and countries beginning on March 21, 1995: Beijing, China; Hongzhou, China; Shanghai, China; Hong Kong; Macau; Kuangzhou, China; Nanhai, China; Taipei; Jakarta, Indonesia, and; Brunei. Larry Middleton testified in a deposition before the Committee that he did not accompany his brother on the entire trip, and did not know the countries Mark Middleton had visited before they met. (Attachment 12)

Documents and testimony indicate that Trie and Middleton visited associates of Trie's during the March/April trip to Asia. Trie was a Director of Consolidated Trust Company ("CTC") in Hong Kong, owned by Ng Lap Seng's business associate William Peh. Peh has asserted that he and Ng added Trie to Consolidated Trust's leadership because, among other things, Trie's U.S. ties were helpful to the company. On a CTC corporate fact sheet, Trie was listed as an "Advisor to President Clinton." Trie was assisting Ng and Peh in finding investors for a real estate development project referred to as Nam Van Lakes, located in Macau.

Middleton was looking for business opportunities in Asia, and given his new position with IRI he was particularly interested in real estate projects. One of the projects that Trie introduced him to was the Nam Van Lakes project. This project was co-owned by Ng Lap Seng, and Stanley and Edmund Ho. At the time, CTC was searching for funding on the project. Trie

had heavily promoted the project to others, including Ernie Green, David Mercer and Jude Kearney. Middleton expressed interest in Nam Van Lakes, and mentioned that he might be able to secure funding for the project from what he called the "Green Fund," an Overseas Private Investment Corporation investment fund organized by Steven Green. The fund was actually for Central and Eastern European and Newly Independent States, or the "CEENIS Fund." It is apparent on its face that Macau would not qualify for such a fund. However, according to one witness present during meetings with Middleton on the topic, Middleton told Ng and Peh that he would take care of it and make sure Macau qualified for funding. (Attachment 13) According to one of Peh's assistants, George Johnson, Middleton even went so far as to tell Peh that his brother, Larry Middleton was handling the funding applications for the "Green fund."

Although Larry Middleton testified that he viewed the trip as purely pleasure, Mark Middleton's documents make it appear to be a distinctly business oriented trip. The trip was also an effort to make contacts and drum up clients for Middleton, independent of IRI. Middleton requested assistance in setting up meetings from the Chinese Embassy to the United States, the Taipei Economic and Cultural Representative Office, the Indonesian Ambassador to the United States, and the United States Ambassador to Indonesia, asking him to assist in arranging meetings. (Attachments 14-16) In addition, it appears that once he arrived in China, Middleton realized his now invalid White House business cards would open doors for him. He called back to his office in the United States and asked for his brother to bring them when he came over. (Attachment 17) In late October 1996, when Middleton's name first arose in connection with campaign financing improprieties, his White House phone number still had a voice mail with his forwarding number on it. Once it came to light, the White House claimed it was an oversight and quickly removed it.

While in Asia, the Riady family hosted Middleton in Hong Kong and Jakarta. A faxed message from Middleton's assistant notes, "Larry spoke with Johnny Huang who said that you need to get your itinerary to the Riady Group (sic). They want to take care of you while you are in Hong Kong - have a car meet you at the airport, etc. . . ." (Attachment 18) Middleton wrote to Lippo Group executive Joe Hanna, "I am writing to find out the hotel arrangements you have made for me in Jakarta and if you have set up a meeting for me with Mr. Bakerie (sic)." (Attachment 19) Larry Middleton testified that James Riady hosted a dinner for the Middleton's while they were in Jakarta as well.

2. Middleton Decides to Strike Out on His Own

Upon returning from his trip, Middleton told Noel Gould, Green's counsel, that he made many contacts in Asia. Although Green was expecting Middleton to begin his work at IRI, Middleton said that he was very busy with DNC activities and also planned to return to Asia soon. Middleton appeared to be cultivating private clients while still working for Green. Ultimately, Middleton approached Green about changing his employment arrangement and moving towards a consulting agreement. Green declined the offer and suggested that it would be better if Middleton set up his own business. However, the timing is still unclear.

Middleton established the "Middleton Group," although he still remained at the offices of IRI for some time. He soon signed on one of his first consulting clients, Arkansas International

Development Corporation ("AIDC"), in July 1995. (Attachment 20) C. Joseph Giroir, Jr. and a subsidiary of the Lippo Group jointly owned the company. Giroir was the former managing partner at the Rose Law Firm in Little Rock, Arkansas and a partner and consultant to the Riadys. Middleton was paid \$12,500 per month under his consulting agreement, yet as of April 30, 1997, Middleton had consummated no deals for AIDC. Middleton received at least \$275,000 from AIDC for his fees under the consulting arrangement between July 1995 and April 1997. It is unclear whether the Riadys continue to retain Middleton through AIDC.

During this time, Middleton's phone messages show that he remained in contact with Charlie Trie, and DNC and White House officials. It was during this period that Middleton met Y. Y. Wong, a prominent Singapore businessman. Wong answered interrogatories sent by the Committee, and explained how he happened to meet Middleton. (Attachment 21) Wong was having breakfast in Washington with Singapore's Ambassador to the United States, who knew Middleton, and introduced Wong to Middleton. The same day he met Wong, Middleton left several messages at the Singapore Embassy inviting Wong to a Presidential radio address. Wong and Middleton attended the address, and Wong was able to meet President Clinton. Middleton and Wong eventually set up a corporation together in Singapore to look for joint ventures. In correspondence with Wong, Middleton mentions a Ms. Liu with whom they are trying to do business. (Attachment 22) The Committee has been unable to determine whether this refers to Liu Chao Ying.

Between May and July 1995, Middleton was planning his second trip to Asia. By the time of his second trip, Middleton was seriously pursuing clients of his own to launch his new business. Again, Charlie Trie accompanied Middleton on at least portions of this trip. The Committee has records of numerous telephone calls exchanged between Trie and Middleton leading up to the trip. Around that time, Trie also placed Middleton on the "permanent admit" list of his Watergate apartment. (Attachment 23) Those on the list were able to get the key from the concierge and use the apartment as they pleased. Trie and Middleton had a mutually beneficial relationship, Middleton was able to help Trie in Washington, and Trie was able to help Middleton in Asia. For instance, in May 1995, Trie brought a number of Asian business associates to Washington to attend the gala fundraiser marking the founding of the Congressional Asian Pacific American Caucus Institute ("CAPACI"), at which President Clinton was a featured guest. While Trie's associates were in town, Middleton helped to arrange lunch at the White House mess, a White House tour, and attendance at the Saturday radio address. While in Asia, Trie made arrangements for Middleton to meet influential business people.

B. Allegations of Fundraising in Taiwan

The Committee was unable to obtain a full itinerary for Middleton's second trip to Asia in July/August 1995, only the Taiwan leg of the trip. (Attachment 24) Middleton had numerous business meetings arranged for his visit to Taipei. Several witnesses in Taiwan spoke with the Committee about their meetings with Middleton. All of them noted that Middleton told them he used to work at the White House and was a close friend of the President. In addition, Middleton was still handing out his White House business cards on this second trip to Asia. In order to get a meeting with Liu Tai Ying, the Business Management Chairman of the Kuomintang party in Taiwan, Middleton faxed over a copy of his card. Liu's assistant spoke with the Committee and

said that Middleton mentioned several times that he had close ties to President Clinton. Middleton told him generally that he was trying to raise funds for President Clinton.

Media reports alleged that during the meeting with Liu Tai Ying, Liu offered to contribute \$15 million towards President Clinton's re-election. (Attachment 25) To date, the Committee has found no contributions that can be traced to Liu. However, Middleton and Trie did arrange for Liu to attend a DNC fundraiser in San Francisco on September 21, 1995. At the fundraiser, Liu was able to meet with both President Clinton and Vice President Gore, and have his picture taken. (Attachment 26) Another individual whom Middleton met on his trip, Winston Wang, also was able to meet the President, through Trie and Middleton. Wang, the wealthy son of the owner of Formosa Plastics, attended one of the now infamous White House coffees. Middleton returned from his trips with numerous contacts with which to start his new business. (Attachment 27)

III. COMMERCECORP INTERNATIONAL

Between the summer and fall of 1995, Middleton established his new corporation, CommerceCorp International, with offices in the Willard Office Building near the White House. Middleton soon had numerous clients, many from Asia, who he assisted in getting meetings with Administration officials, among other things. Middleton himself was a frequent visitor to the White House. His former intern, Yusuf Khapra, would wave Middleton in upon request. Khapra stated in his deposition, "... it would often be because he wanted to sort of, you know, work the halls, and meet a number of different people, drop by on a number of different offices and didn't have a specific meeting set with anyone." Middleton also utilized the services of Susan Lavine, the DNC "White House Liaison." Lavine testified that she would make White House tour arrangements for people, as well as letter or photo requests. She often assisted by taking Middleton's clients on private tours of the White House. Middleton also asked Khapra to arrange for such things.

Middleton also remained in contact with Trie, who continued his fundraising efforts on behalf of the DNC. Middleton was also active with the DNC. After meeting with DNC Chairman Fowler in June 1995, he then met with Ann Braziel in October 1995 to discuss fundraising. Braziel wrote in a memorandum: "Mark Middleton spent some time with me and pledged to help in raising money. Most of his contacts will be raised into Trustee and Managing Trustee Councils, and he was also interested in the Asian Pacific American Leadership Council." (Attachment 28) Braziel, who worked on the DNC Trustee program, wrote back to Middleton after their meeting enclosing information on the Asian Pacific American Leadership Council ("APALC"). (Attachment 29) On the memorandum she listed donors the DNC could not identify, among them is James Riotti (sic) of Arkansas International Development Corp. The memo lists Riady as contributing \$25,000 in 1993. However, there are no FEC records of Riady making such a contribution in the 1994 election cycle and he was living in Indonesia at the time. There are no records of Joe Giroir making such a contribution either.

In addition to Middleton, Charlie Trie was involved in raising money for APALC. Middleton kept in touch with Trie during this time period, and they often attended the same fundraisers. Both Middleton and his mother attended the February 20, 1996 APALC fundraiser

at the Hay Adams Hotel and sat at one of Trie's tables. Trie was contributing large amounts of money to the DNC during this period. However, Middleton wrote him a check for \$5,000 on May 22, 1996. (Attachment 30) Middleton's assistant testified that the money was a loan to Trie, yet Trie had contributed \$20,000 to the DNC just days earlier. Trie even allowed Middleton to borrow his car, a new Mercedes, while Trie was out of town.

A. Riady and Huang

Although Middleton worked as a consultant to Riady through AIDC, Riady contacted Middleton directly, and often depended on Middleton to arrange things for him in Washington, according to former Lippo employee Charles DeQuejoe. Middleton kept Riady informed of his contacts with other Indonesians as well. (Attachment 31) In an October 1995 letter, Middleton made Riady aware that he spoke highly of Riady in a meeting with President Soeharto of Indonesia. However, in the same letter, Middleton played down his work for another Indonesian client, the Sinar Mas Group. Middleton did assist Riady in a very important project, getting John Huang a position as a DNC fundraiser. Giroir and Middleton, both Lippo consultants, approached several DNC officials on behalf of Huang in late summer 1995, according to testimony from Joe Giroir, Richard Sullivan and Marvin Rosen. Giroir and Middleton contacted DNC Chairman Don Fowler, and finance officials including, Truman Arnold, Marvin Rosen, and Richard Sullivan. Even James Riady met with Fowler and advocated the idea of John Huang raising money for the DNC in the Asian American community, an untapped source of wealth for the DNC.

1. Huang's Hiring at the DNC

In his Senate deposition, Joe Giroir testified about a meeting held in September 1995, between Giroir, Mark Middleton, John Huang and Marvin Rosen. Middleton knew Marvin Rosen and therefore set up the meeting. They met with Rosen in the lobby of the Willard Hotel, where Middleton's office was located. During the meeting they discussed the plan to reach out to the Asian American community and the strengths that John Huang would offer such a program. After the group was unsuccessful in its appeal to the DNC, Riady, Giroir, and Huang met with President Clinton on September 13, 1995, and discussed Huang's desire to work at the DNC. Once the President became involved, things moved more quickly.

On October 19, 1995 Middleton wrote to Joe Giroir at AIDC and noted that Marvin Rosen called him the day before to inquire about John Huang's starting date. Middleton relayed Rosen's inquiry to Huang as well. Middleton stated, "In short, it appears that the arrangement is moving forward and there is a strong interest in John becoming a part of the team." (Attachment 32) Middleton kept Giroir up to date on Huang's progress, noting in a February 26, 1996 letter to Giroir, "As you likely know, John Huang hosted a very successful event for the President this week. Both the President and Marvin Rosen commented to me about the great job that John is doing. I hope you will relay that message." (Attachment 33) It is unclear who the message was to be relayed to, presumably either Huang or Riady.

2. "The Meeting Participant"

Closer to the 1996 elections, Middleton arranged another meeting for Riady and Clinton. On September 6, 1996, Middleton sent a mysterious memorandum to Mack McLarty regarding a "Monday Meeting." (Attachment 34) He wrote:

"Many thanks for your expeditious assistance. . . The meeting participant is currently staying at the Four Seasons Hotel in New York . . . His Washington DC reservation is at the Hay Adams Hotel where he is expected to arrive on Saturday evening. If I can be helpful in facilitating the Monday meeting, I stand ready to be of assistance.

Mack McLarty testified that the meeting participant to whom Middleton referred was James Riady. Middleton had contacted McLarty and related that Riady and the President had had a "visit" at some earlier time, and they did not complete their conversation. Middleton added that the President asked Riady to arrange an appointment with him to finish their conversation, although Middleton could not explain what the President and Riady had been discussing. McLarty told Middleton that he would make Nancy Herreich, the President's assistant, aware of the request, and also advised Middleton to call Herreich directly.

White House phone logs indicate that Middleton did call Nancy Herreich twice at the time the memo was sent to McLarty. Bruce Lindsey testified that Nancy Herreich called him to tell him that James Riady wanted to see the President in early September. Lindsey, who said he did not know that Middleton was involved in setting up the meeting, then asked the President whether he wanted to see James Riady. The President responded that he would, and the meeting was scheduled. Middleton accompanied Riady to the meeting with the President, and Lindsey sat in as well. Lindsey described the meeting as social, with President Clinton and Riady discussing family and other general non-policy matters. At the end of the meeting, Riady made a comment to the effect that the President made the right decision on MFN and that he should stay engaged. None of the other meeting participants have spoken about their version of the conversation, and it is still not clear where the first meeting took place or what conversation Riady and President Clinton had to finish.

Middleton made the arrangements for Riady to stay in Washington during the time of the meeting with the President. In addition, CommerceCorp paid for James Riady's hotel bill at the Hay-Adams Hotel for September 8, 1996 to September 9, 1996. (Attachment 35) Later that week, Middleton, Riady, and Huang had lunch in the White House Mess. Middleton did not reserve these favors solely for the Riadys. He also assisted other foreign clients in attaining meetings with high level officials.

3. Hasjim Ning and the Wiriadinatas

Before Huang left the Department of Commerce, Middleton became involved in an effort to obtain a "get-well letter" from President Clinton to a partner of the Riady family, Hasjim Ning. Ning, co-founder of Lippo, was traveling in the United States in June 1995 when he fell ill. Middleton, upon Riady's request, quickly arranged for a letter from the President to Ning and promptly hand-delivered it to Ning's bedside. (Attachment 36) That letter was the impetus for what was to become \$450,000 in contributions from Ning's daughter and son-in-law, Soraya

and Arief Wiriadinata.

The Wiriadinata's first contribution, totaling \$30,000, was given on November 9, 1995, while Huang was still at Commerce. The November contribution was credited to John Huang's wife, Jane, and DNC fundraiser David Mercer. In return for their November contribution, the Wiriadinatas, accompanied by then-Commerce employee Huang, attended a DNC fundraiser for Vice President Al Gore. All subsequent contributions made after Huang left Commerce were credited to John Huang. In addition to issues about the timing of the first contribution, the funds used to contribute to the DNC by the Wiriadinatas came from Lippo co-founder Hasjim Ning in Indonesia. The Wiriadinatas explained that they contributed to the DNC because of President Clinton's kind get-well letter. The President did in fact send two letters to Mr. Ning: one delivered in person by Mark Middleton, and; the second, in response to a Ning thank-you letter, was addressed to Mr. Ning in Indonesia, and again sent through Mark Middleton. (Attachments 37-38)

The November contribution was the first in a long line of contributions by the Wiriadinatas. They again donated to the DNC in December, and on December 15, 1995, Arief Wiriadinata attended a DNC fundraising coffee at the White House. The WHCA taped the beginning of the coffee, as President Clinton walked around the room greeting all of his guests. When the President came to Wiriadinata, he grasped the President's hand and said, "**James Riady sent me.**" The President responded, "**Yes. I'm glad to see you. Thank you for being here.**"

B. Sinar Mas Group

Middleton came to work with another powerful Indonesian family, the Widjajas. Middleton arranged a meeting with the President, a meeting with the First Lady, a White House tour and appointments with Administration officials for members of the Widjaja family. The family controls Sinar Mas, an Indonesian conglomerate involved in four principal areas of business: financial services, pulp and paper, real estate and agribusiness. CommerceCorp worked mainly with Asia Pulp and Paper. The family came to visit the United States in late October 1995, and Middleton appeared to be responsible for organizing their schedule. (Attachment 39) The patriarch of the family is Eka Widjaja, however his children have taken over most aspects of running the business. During the trip in October 1995, two of the children, Teguh and Sukmawati Widjaja participated, along with several of Sinar Mas' managers.

Middleton had a consulting arrangement with the business whereby he was paid a monthly retainer of \$25,000. Although it is not clear what type of work Middleton did for them, the Committee does know that in total, the Sinar Mas Group, through Asia Pulp and Paper, paid Middleton over \$850,000 between January and October 1996. (Attachment 40) One single wire transfer totaled \$500,000. (Attachment 41) Sinar Mas paid Middleton through wire transfers from the Development Bank of Singapore and their own bank, Bank Internasional Indonesia.

1. Meeting with President Clinton and First Lady Hillary Clinton

At the beginning of their visit, Middleton had arranged for a meeting between Teguh and

Sukmawati Widjaja and President Clinton. (Attachment 42) They were later able to meet with First Lady Hillary Clinton as well. (Attachment 43) First Lady Hillary Clinton's briefing memorandum on the meeting notes that Middleton represented that, "**the family has substantial business interests in the United States and wants to be helpful to the Administration in a number of ways.**" The memo does not elaborate on how the Indonesian family could be helpful.

2. Meeting with DNC Chairman Don Fowler

Despite the fact that the entire family is from Indonesia and none of the individuals are United States citizens or green card holders, Middleton arranged a November 1, 1995, meeting for the family and business managers to meet with the Chairman of the DNC, Don Fowler. (Attachment 44) Fowler's schedule for that day notes the meeting, and adds, "the Widjaja family is one of the wealthiest and most successful families in Indonesia. **Mark Middleton will discuss their giving potential at a later date.**"

3. Meeting with World Bank Officials

In order to arrange other high level meetings for the Widjajas, Middleton told others that the Administration had an interest in the Widjaja's company, Sinar Mas Group. Middleton contacted Jan Piercy of the World Bank in late October 1995, about arranging a meeting for the Widjajas. In an interview with the Committee, Piercy stated that she knew Middleton from the White House. She had the impression that Sinar Mas was a client of Middleton's. Piercy recommended that Middleton speak to the Foreign/Commercial Sector of the World Bank, as she didn't want to be directly involved. She explained that she wanted to be respectful to Middleton, but found it odd that the Sinar Mas Group did not go to the Executive Director representing Indonesia. Piercy stated that she was uneasy about the conversation because she thought Middleton had left the White House and he gave her the impression that he was still associated with the White House. Nevertheless, she told him to contact Tom Kelsey of her office, tentatively agreeing to a meeting.

Piercy wrote a memo to Thomas Kelsey describing her conversation with Middleton, who she identified as a former aide to McLarty. (Attachment 45) Middleton explained that Sinar Mas would be in town the following week with meetings at the White House and was interested in the World Bank. Piercy adds at the end of the memo, "It does seem a little odd to me that they wouldn't go through the ED representing Indonesia, and we should alert that office of this inquiry we've had." She added, "**I thought we should be responsive, given the White House interest.**" The Widjajas and Middleton did meet with Kelsey. Kelsey explained that the Widjajas wanted to learn more about World Bank projects in China involving the pulp and paper industry. The company was interested in expanding its operations into China. They discussed China forestry projects. However, the projects that the bank had in mind did not fit with the Widjaja's interests.

Middleton arranged a meeting with Ken Brody, Chairman of the Export Import Bank, in a similar manner. He wrote Brody a memo stating that the Widjajas had already established meetings with the First Lady and other senior Administration officials. (Attachment 46)

Middleton ended by emphasizing that, “**this entity is very important to the Administration in a number of ways** thus your serious consideration is greatly appreciated.” It is unclear why the Widjajas were so important to the Administration. However, Middleton was able to arrange meetings for them with the highest levels of the Administration, including, among others: Commerce Secretary Ron Brown (Attachment 47); White House Deputy Chief of Staff Erskine Bowles; Domestic Policy Advisor to Vice President Al Gore, Greg Simon; Chairman of the Trade Development Agency Joe Grandmaison; Deputy Secretary of the Department of the Interior John Garamendi, and; Chairman of the Overseas Private Investment Corporation Ruth Harkin. To complete their visit, as Middleton had suggested in his own memo to Mack McLarty on major donors, the Widjajas were to have use of the President’s Box at the Kennedy Center.

C. Mark Jimenez and FutureTech

Mark Jimenez, a former client of Middleton, and his companies contributed over \$806,000 collectively to the DNC, Clinton/Gore, Clinton Birthplace Foundation and other endeavors associated with President Clinton. Jimenez is a Miami businessman specializing in the export of computers to Latin America. On September 30, 1998, the Department of Justice announced that it had secured “a 17 count indictment against Mark Jimenez for organizing, making and concealing illegal conduit contributions to a number of Democratic campaigns, including the 1996 Clinton Gore primary committee.” As of November 1998, Jimenez had fled the country and returned to the Philippines. Jimenez is a Philippine national, and although the United States has requested that Jimenez be extradited, his speedy return is not expected to be forthcoming. Upon his return to the Philippines, Jimenez became an advisor on Latin American affairs to Philippine President Joseph Estrada. After the press coverage of the extradition request, Jimenez decided to step down on July 28, 1999. In an interview with the Philippine Daily Inquirer newspaper last month, Jimenez said he was being harassed and persecuted by the United States government.

From documents obtained by the Committee, it appears that Charlie Trie may have introduced Middleton and Jimenez. Trie’s office sent Jimenez all of Middleton’s contact numbers on June 6, 1995. At the time, Middleton was working at International Realty Investors. (Attachment 48) The memo has not only Middleton’s IRI phone number, but also his old White House phone number. As noted earlier, when calling Middleton’s White House number, one would hear a voice mail with his new numbers, an inappropriate use of government resources.

1. Conduit Contributions

In addition to his \$800,000 in contributions, Jimenez made illegal conduit contributions to Clinton/Gore '96 through his family and employees. At least 13 of his employees were reimbursed for contributing \$1000 each to Clinton/Gore in September 1995. Daria Haycox, a former employee of Future Tech testified that Jimenez’ assistant, Luz Gonzales, approached her about contributing. Gonzales had a list of employees who were United States citizens, and told Haycox that Jimenez wanted to raise approximately \$20,000 from Future Tech employees for Clinton/Gore. Gonzales asked Haycox whether she would contribute, and assured her that she would be reimbursed by Future Tech. Haycox did write a \$1,000 check to Clinton/Gore, and shortly thereafter received a bonus check in the amount of \$1,000 from Future Tech. The

Committee was able to verify her account through Future Tech's bank records. At least twelve other employees who contributed \$1,000 to Clinton/Gore received similar bonus checks as reimbursement.

2. White House Coffee

Middleton arranged for Jimenez to attend a February 6, 1996, White House coffee. Also attending the coffee were Charlie Trie and his guest, Chinese national Wang Jun. Jimenez, who contributed \$50,000 to the DNC 10 days after he attended the White House Coffee, brought along Carlos Mersan, an advisor to Paraguayan President Carlos Wasmosy. Jimenez did extensive business in Paraguay, and was an informal advisor to President Wasmosy. In addition to the coffee, Middleton arranged White House tours for the group as well.

The White House Communications Agency ("WHCA") taped the coffee, and a video was produced to the Committee. The video shows President Clinton greeting Mark Middleton in the hall prior to entering the coffee. Middleton then introduces the President to Jimenez. The President appears familiar with Jimenez and mentions Jimenez' contribution to the Clinton Birthplace Foundation. After speaking briefly, President Clinton and Jimenez enter the coffee without Middleton. As President Clinton worked his way around the room greeting everyone, he came to Carlos Mersan, who indicated that he was an advisor to President Wasmosy of Paraguay. He told President Clinton that President and Mrs. Wasmosy sent their greetings. At the time, President Wasmosy was attempting to obtain an official meeting with President Clinton, but had been unable to do so. Paraguay had recently been decertified by the State Department as a cooperating partner in the war on drugs.

3. Jimenez Event with Hillary Clinton

At the end of September in 1996, Middleton arranged a private White House tour for Jimenez and the spouses of numerous Paraguayan officials. The officials were in town for a meeting of the International Monetary Fund. The next day, October 1, 1996, Jimenez flew the group to Boca Raton, Florida to meet privately with Mrs. Clinton at an exclusive country club. (Attachment 49) The First Lady met privately with Jimenez and his family before greeting his other guests. One guest said that they were able to speak with Mrs. Clinton and have their photographs taken. Jimenez denied that the event was linked to any contributions. However, Jimenez contributed \$75,000 to the DNC on September 30, 1996.

4. Middleton's Work with Future Tech

Middleton's assistant, Holli Weymouth, testified that Jimenez and Middleton had a contract for services for a specific time period. According to Middleton's bank records, between October 1995 and May 1996, Jimenez paid Middleton at least \$190,000. Weymouth could not be specific about any particular projects Middleton was working on for Jimenez. She recalled that Middleton was looking for U.S. computer companies to work with Future Tech on software development. She explained that she worked on other projects for Jimenez, including research on Philippine mangoes. In addition, she assisted Middleton in making arrangements for Jimenez to visit the White House. Weymouth could not recall any other work CommerceCorp did for

Future Tech.

IV. CONCLUSION

In the Committee's investigation of campaign improprieties during the 1996 Presidential election, Mark Middleton was ubiquitous. Not only because of the foreign fundraising allegations raised by the media, but also because of his numerous contacts with many other key individuals under investigation, the Committee found it imperative to speak with Middleton. He had information about numerous individuals involved in the investigation, not the least of whom are John Huang, James Riady and Charlie Trie. Middleton's own activities raised questions as well. Middleton was a high level White House employee who retained his access to senior Administration officials even after he left the White House.

The Riady family, clients of Middleton, had unprecedented access to President Clinton and the highest levels of his administration for foreign nationals. Significant questions remain about their role in Clinton's Presidential elections. Mark Middleton, as a close associate, may have some answers to these questions. Similarly, Charlie Trie, a relatively unsuccessful businessman from Arkansas suddenly began to contribute hundreds of thousands of dollars to the DNC, yet no one, including Middleton, raised any questions. Trie and Middleton spent significant amounts of time together. Interviews and other evidence lead the Committee to believe that Middleton may have more knowledge of Trie's fundraising activities.

Mr. BURTON. Finally, I 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 members as they deem appropriate for extended questioning not to exceed 60 minutes, divided equally between the majority and minority.

Mr. WAXMAN. Reserving the right to object. If I might inquire of the Chair, you're suggesting we proceed 30 minutes on each side in questioning?

Mr. BURTON. Yes, that's correct.

Mr. WAXMAN. Would that be questioning by members of the committee or staff?

Mr. BURTON. We were considering having members of the staff question Mr. Middleton, but because we sensed there might be some objection on your side, we decided to do it with just Members because we wanted to accommodate you.

Mr. WAXMAN. Then I withdraw my reservation.

Mr. BURTON. Without objection, so ordered.

A couple of months ago we had Johnny Chung testify before this committee. Up until that time, he was 1 of 121 people who had refused to testify about illegal fundraising. At the time I felt we turned a corner. I felt like we were finally chipping away at the big stonewall, and we were going to see what was on the other side. The Justice Department actually agreed to have him testify. It was the first real cooperation we had from the Justice Department and Janet Reno in over 2 years.

What Johnny Chung told us was eye-opening. He testified that the head of China's military intelligence agency, General Ji Shengde, gave him \$300,000 to help President Clinton's campaign. This is what General Ji said, according to Johnny Chung "We really like your President. We hope he'll be re-elected. We'll give you 300,000 U.S. Dollars, and you can give it to your President and the Democratic party."

His bank records and his passport stamps have been checked and backed up his story. As a witness, he was very credible. After the hearing he shook my hand and said, "Mr. Chairman, 1 down and 120 to go." He made it sound easy. But as we started to followup on some of the things Johnny Chung told us, it became obvious that not very much had changed. Johnny Chung told us that an official at the United States Embassy in Beijing was accepting cash and gifts in exchange for visas. Chung told us that he saw an Embassy employee, Mr. Charles Parish, receive a paper bag filled with cash and Chinese passports from the head of the Haomen Beer Co. Chung said Mr. Parish approved 25 to 30 visas for his Chinese business associates, and at the same time he asked Chung for more than \$700,000. As a matter of fact, he said he demanded that money.

I called Mr. Parish before the committee. Once again, unfortunately, he took the fifth amendment. He wouldn't answer a single question. So much for witness cooperation. We then tried to question the State Department Inspector General about her investigation of Mr. Parish. The day before the hearing, the State Department Inspector General got a call from the Justice Department. The Justice Department told her not to talk to us, not to answer

any of our questions. So much for cooperation from the Justice Department.

Here is another thing Johnny Chung told us. He said an influential Chinese banker informed him that Charlie Trie had asked the Chinese Government for \$1 million to help President Clinton. We've been trying to talk to Charlie Trie for more than 2½ years without success. We have a list of people who have refused to cooperate, up to 122 since last week. A lot of those people have taken the fifth. A lot of those people have fled the country. Charlie Trie is one of those rare people who did both, fled the country and took the fifth. He hid in China for over a year. Then he came back, and he took the fifth.

We would really like to know if Charlie Trie asked the Chinese Government for \$1 million. We would really like to know what the Chinese Government or an agent of the Chinese Government gave to him.

Charlie Trie reached a plea agreement with the Justice Department early this summer. He's supposed to be cooperating with them. Well, I know he's not cooperating with us. Press reports have suggested that he's not helping the Justice Department very much either. Yet he's getting a very, very light sentence, 3 years probation. Here is a man who had his name on a tremendous number of those illegal campaign contribution documents, and he's getting a 3-year probationary sentence. That is it. No jail time. No fine. Not even community service.

Despite the fact that he just pled guilty in June, they were rushing ahead with an early sentencing date in August. I wrote to the judge who is supervising the case. I asked him to postpone Charlie Trie's sentencing until after he has given his full cooperation to the U.S. Congress. Given the light sentence Charlie Trie is getting, I thought it was a pretty reasonable request. Fortunately, the judge did postpone Charlie Trie's sentencing, but once again the Justice Department is fighting us tooth and nail. Why don't they want Charlie Trie to talk to Congress? What are they afraid of? Who are they protecting? Don't the Congress of the United States and the American people have a right to know what happened?

I also wrote to the Federal judge supervising John Huang's case. Once again, the Justice Department was rushing ahead to sentence John Huang. He promised to cooperate in exchange for another light sentence: 500 hours of community service and a \$10,000 fine. John Huang and Charlie Trie's names were connected to the vast majority of illegal campaign contributions that went to the DNC, several million dollars, most of it from overseas, from foreign sources. Yet they are both getting nothing more than a slap on the wrist, and Justice does not want us to talk to them.

Well, John Huang hasn't cooperated with Congress. Is he giving up anything of value in exchange for his light sentence, or is this just one more sweetheart deal? If he won't talk to Congress, we'll probably never know. The Justice Department wanted to have John Huang sentenced this week, rushing to judgment once again. However, the judge agreed to postpone his sentencing over the objections of the Justice Department because I believe he thinks that maybe Huang should cooperate with the Congress and talk to us.

So much for the cooperation from Janet Reno. She's trying to block us at every single turn.

What else did Johnny Chung tell us? He told us about the gentleman we will be talking to today, Mr. Mark Middleton. He told us that he was nervous about accepting all this money from a Chinese general, the head of their military intelligence agency, Mr. Ji, General Ji, who was the equivalent of the head of our CIA. He told his friend Liu Chao-Ying that he did not want to take the money. Remember, Liu Chao-Ying is the daughter of one of the most powerful generals in the People's Liberation Army. At one time he was the head of the People's Liberation Army. She is a lieutenant colonel in the People's Liberation Army. Liu Chao-Ying told him not to worry because they were working with other people, too. According to Johnny Chung, she said that Mark Middleton got a half a million dollars through a group in Singapore to do good things for China.

Mark Middleton is here today. He is a former senior White House aide from Arkansas. He was a close friend of the President. He was the Special Assistant to the President and Assistant to the Chief of Staff. For the last 2½ years, he has not cooperated with this committee's investigation in any way. Did Mark Middleton know Liu Chao-Ying? We don't know. Was he working with the Chinese Government or other foreign sources to arrange campaign contributions? We don't know. Did Mark Middleton get a half a million dollars to do good things for China? We don't know.

We have asked Mr. Middleton to come in and talk with us. We have asked him to respond to all the allegations that have been raised about him. We have not been able to convince him to tell us his side of the story. His lawyer tells us that he is going to assert his fifth amendment rights and not answer any of our questions today.

I want to note that we have an opinion from the nonpartisan Congressional Research Service that indicates that Mr. Middleton may have effectively waived his fifth amendment rights under DC law. We are going to be looking into this further. However, I think it's unfortunate that we are in this situation to begin with. Mark Middleton was a White House aide. The taxpayers paid his salary. For him to say he is going to take the fifth amendment and not cooperate with the congressional investigation is more than unseemly.

More than 2 years ago the President told the American people that everyone would cooperate. I remember Chuck Ruff came to my office and said we would have full cooperation from the White House, and we have not had any. What happened to that pledge? Mr. Middleton's lawyer tells us that he has given his complete cooperation to the Justice Department. He tells us that Mr. Middleton has done nothing wrong, but we do not know, and we cannot count on the Justice Department.

Mr. Middleton, if you have not done anything wrong, why not speak up today and say so? If you cooperated with the Justice Department, why won't you cooperate with the Congress of the United States?

The more we learn about the Justice Department, the more it looks like a hollow investigation. We recently learned that the At-

torney General's staff stopped the FBI from serving a search warrant on Charlie Trie's assistant while she was destroying documents in Little Rock, AR. Think about that. The FBI knew that those documents were being shredded or destroyed by Ms. Mapili, Charlie Trie's assistant. They went down to Little Rock to get a search warrant and to serve the warrant and to get those documents. They were called back by Janet Reno and the Justice Department. For 3 months they didn't get those documents. How many were destroyed in the interim, and why didn't they serve that search warrant? The FBI tells us it is because the Attorney General said there was not probable cause, and yet they saw this lady destroying documents. If that isn't probable cause, I don't know what is. The appearance that the Justice Department is obstructing the investigation of Charlie Trie, or was, is pretty clear to me. They let her continue to destroy documents for 3 more months.

The Justice Department got Johnny Chung's Hong Kong bank records 2 years ago. Two years ago. It showed Liu Chao-Ying wired Mr. Chung \$300,000 from Citibank, a U.S. bank. We received those same documents in May of this year. Since then, we have subpoenaed and obtained more information from Citibank that shed more light on Liu Chao-Ying, a colonel in the People's Liberation Army, and her financial activities. According to Citibank, the Department of Justice never even requested these, and here they are right here. The Justice Department did not even request these. This does not sound like a thorough investigation to me. We have seen this time and time again. Is it any wonder that the Congress has doubts about the Justice Department's investigation or Janet Reno's commitment to getting at the truth? Is it any wonder that we want to interview these same people?

I would like to make one last appeal to Mr. Middleton. I want to ask one last time that you not invoke the fifth amendment. A lot of tough things have been written about you over the last couple of years, and you must want to defend yourself. We received testimony that you were doing something clandestine with agents of the Chinese military, the daughter of the PLA's most senior general. It was very cryptic, but since you have not spoken to us, that's all we have to go on. It has been reported that you were trying to raise money for the President's campaign in Taiwan.

I am going to put up a DNC document on the screen.

[The information referred to follows:]

WEDNESDAY, NOVEMBER 1, 1995

PAGE 2

10:20am DEPART The White House
EN ROUTE CommerceCorp International

10:30am ARRIVE for MEET & GREET w/ Mark Middleton and Sinar Mas Group
Delegation
CommerceCorp International
The Willard Office Building
1455 Pennsylvania Avenue, NW
Suite 560
Washington, DC
202/737-9305

Contact: Mark Middleton/Linda
202/737-9305

TO ATTEND:

- Mark Middleton
- Tjie Goan Oie/Teguh Ganda Wijaja (same person),
President and Director of Sinar Mas Group
- Wenny Limantara
- Sukmawati Widjaja (Sister of Teguh Widajaja), Vice
Chair and CEO of Sinar Mas Group
- Agusto Peralta Nilo, Group Managing Director, Sinar
Mas Group
- Hendrik Tee, Group Managing Director, Sinar Mas
Group
- Ted Joseph Villinski, Public Affairs, Sinar Mas Group
- Cheng Yen, Group Managing Director, Sinar Mas
Group
- Ted Lin, President of Linden Trading Company, Inc.
- Kang Oei
- Valonia Oei
- Richard Sullivan

NOTE:

- This group is meeting w/ POTUS on Nov. 3 and FLOTUS on
Nov. 4. They are also meeting with several Agency Heads to
discuss building business relations between the US and Indonesia.
- Sinar Mas Group is an multinational edible oils trader nearly
four decades old. Their four core businesses are 1) pulp and
paper 2) financial services 3) agribusiness, foods & consumer
products 4) and real estate and property developments.
- The Wijaja family is one of the wealthiest and most successful
families in Indonesia.
- Mark Middleton will discuss their giving potential at later
date.



DNC 3022277

Mr. BURTON. It says that you are bringing in a very wealthy and powerful family from Indonesia to see DNC Chairman Don Fowler. Here is what it says: "The Widjaja family is one of the wealthiest and most successful families in Indonesia. Mark Middleton will discuss their giving potential at a later date."

If you're being unfairly maligned, then I hope you will defend yourself. Your attorney says you have not done anything wrong. Then I hope you will explain that to this committee and explain it to the American people. We have been trying for 2½ years to find out what happened, because the American people have a right to know the truth. I just hope that you really think long and hard about this. You have never testified under oath, and it's time you set the record straight.

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

**Opening Statement
Chairman Dan Burton
Committee on Government Reform
August 5, 1999**

A couple of months ago, we had Johnny Chung testify before this Committee. Up until that time, he was one of 121 people who had refused to testify about illegal campaign fundraising.

At the time, I felt like we'd turned a corner. I felt like we were finally chipping away at the big stone wall and we were going to see what was on the other side. The Justice Department actually agreed to have him testify. It was the first real cooperation we had from the Justice Department in over two years.

What Johnny Chung told us was eye-opening. He testified that the head of China's military intelligence agency, General Ji Shengde, gave him \$300,000 to help President Clinton's campaign. Here's what General Ji said:

"We really like your President."

"We hope he will be re-elected."

"I will give you 300,000 U.S. dollars."

"You can give it to your President and the Democrat Party."

His bank records and his passport stamps backed up his story. As a witness, he was very credible. After the hearing, he shook my hand and he said:

"Mr. Chairman, one down, 120 to go."

He made it sound so easy. But as we started to follow up on some of the things Johnny Chung told us, it became obvious that not very much has changed.

Johnny Chung told us that an official at the U.S. Embassy in Beijing was accepting cash and gifts in exchange for visas. Chung told us that he saw this employee, Charles Parish, receive a paper bag filled with cash and Chinese passports from the head of the Haomen Beer Company. Chung said that Mr. Parish approved 25 to 30 visas for his Chinese business associates. At the same time, he asked Chung for more than \$7,000.

So I called Mr. Parish before the Committee. Unfortunately, he took the Fifth. He wouldn't answer a single question. So much for witness cooperation.

We then tried to question the State Department Inspector General about her investigation of Mr. Parish. The day before the hearing, they got a call from the Justice Department. The Justice Department told them not to talk to us — not to answer any of our questions. So much for cooperation from the Justice Department.

Here's another thing Johnny Chung told us: he said an influential Chinese banker informed him that Charlie Trie had asked the Chinese government for a million dollars to help President Clinton. We've been trying to talk to Charlie Trie for more than two and a half years.

We have a list of people who have refused to cooperate -- 122 since last week. A lot of those people have taken the Fifth. A lot of those people have fled the country. Charlie Trie is one of those rare people who did both. He fled the country -- he hid out in China for a year. Then he came back, and when we tried to talk to him, he took the Fifth.

We'd really like to know if Charlie Trie asked the Chinese government for a million dollars. We'd really like to know if the Chinese government, or an agent of the Chinese government, gave it to him.

Charlie Trie reached a plea agreement with the Justice Department earlier this summer. He's supposed to be cooperating with them. Well, I know that he's not cooperating with us. Press reports have suggested that he's not helping the Justice Department much either.

Yet he's getting a very light sentence -- three years probation. That's it. No jail time. No fine. Not even community service.

Despite the fact that he just pled guilty in June, they were rushing ahead with an early sentencing date in August. So I wrote to the Judge who's supervising the case. I asked him to postpone Charlie Trie's sentencing until after he has given his full cooperation to the United States Congress. Given the light sentence Charlie Trie's getting, I thought that was a pretty reasonable request. Fortunately, the Judge did postpone Trie's sentencing. But once again, the Justice Department has fought us tooth and nail.

Why don't they want Charlie Trie to talk to the Congress?

What are they afraid of?

Don't the Congress and the American people have a right to know what happened?

I also wrote to the Federal Judge supervising John Huang's case. Once again, the Justice Department was rushing ahead to sentence John Huang. He promised to cooperate in exchange for another light sentence -- 500 hours of community service and a \$10,000 fine.

John Huang and Charlie Trie's names were connected to the vast majority of the illegal contributions that went to the DNC. Several million dollars. Most of it from foreign sources. And yet they're both getting a slap on the wrist.

Well, John Huang hasn't cooperated with Congress. Is he giving up anything of value in exchange for his light sentence, or is this just another sweetheart deal? If he won't talk to Congress, we'll probably never know.

The Justice Department wanted to have John Huang sentenced this week. But the judge agreed to postpone his sentencing -- **Over the objections of the Justice Department!**

So much for cooperation from Attorney General Reno. She's trying to block us at every turn.

What else did Johnny Chung tell us?

He told us about Mark Middleton.

He told us he was nervous about accepting all this money from a Chinese general -- the head of their military intelligence agency -- like the head of our CIA. He told his friend, Liu Chao-Ying, that he didn't want to take the money. Remember, Liu Chao-Ying is the daughter of one of the most powerful generals in the People's Liberation Army. She is a Lt. Colonel in the PLA. Liu told him not to worry, because they were working with other people too. According to Johnny Chung, she said that Mark Middleton got a half-million dollars through a group in

Singapore to "do good things for China."

Mark Middleton is here today. He is a former senior White House aide from Arkansas. He was close to the President. He was the Special Assistant to the President and Assistant to the Chief of Staff. For the last two-and-a-half years, he has not cooperated with this Committee's investigation in any way.

Did Mark Middleton know Liu Chao-Ying? We don't know.

Was he working with the Chinese government or other foreign sources to arrange campaign contributions? We don't know.

Did Mark Middleton get half-a-million dollars to "do good things for China?" We don't know.

We've asked Mr. Middleton to come in and talk to us. We've asked him to respond to all of the allegations that have been raised about him. We haven't been able to convince him to tell us his side of the story.

His lawyer tells us that he's going to assert his Fifth Amendment rights and not answer any of our questions today. I want to note that we have an opinion from the non-partisan Congressional Research Service that indicates that Mr. Middleton may have effectively waived his Fifth Amendment rights under D.C. Law. We're going to be looking into this further.

However, I think it's unfortunate that we're in this situation to begin with. Mark Middleton was a White House aide. The taxpayers paid his salary. For him to say he's going to take the Fifth and not cooperate with a Congressional investigation is just unseemly. More than two years ago, the President told the American people that everyone would cooperate. What happened to that pledge?

Mr. Middleton's lawyer tells us that he has given his complete cooperation to the Justice Department. He tells us that Mr. Middleton has done nothing wrong. We don't know.

Mr. Middleton, if you haven't done anything wrong, why not speak up and say so?

If you've cooperated with the Justice Department, why won't you cooperate with the Congress of the United States?

The more we learn about the Justice Department, the more it looks like a hollow investigation. We recently learned that the Attorney General's staff stopped the FBI from serving a search warrant on Charlie Trie's assistant while she was destroying documents. They let her keep destroying documents for three more months.

The Justice Department got Johnny Chung's Hong Kong bank records two years ago. They showed that Liu Chao-Ying wired Mr. Chung \$300,000 from Citibank, a U.S. bank. We received those same documents in May. Since then, we've subpoenaed and obtained more information from Citibank that shed more light on Liu Chao Ying and her financial activities. According to Citibank, the Department of Justice never requested these records. We've seen this time and time again.

Is it any wonder that the Congress has doubts about the Justice Department's investigation? Is it any wonder that we want to interview these same people?

I'd like to make one last appeal to Mr. Middleton. I want to ask one last time that you not invoke the 5th Amendment.

A lot of tough things have been written about you over the last couple of years. You must want to defend yourself.

- We've received testimony that you were doing something clandestine with agents of the Chinese military -- the daughter of the PLA's most senior general. It was very cryptic. But since you haven't spoken to us, it's all we have to go on.
- It's been reported that you were trying to raise money for the President's campaign in Taiwan.
- I'm going to put up a DNC document on the screen. It says that you're bringing in a very wealthy and powerful family from Indonesia to see DNC Chairman Don Fowler. Here's what it says:
"The Widjaja family is one of the wealthiest and most successful families in Indonesia. Mark Middleton will discuss their giving potential at a later date."

If you're being unfairly maligned, then defend yourself. Your attorney says that you haven't done anything wrong. Then explain that to this Committee. Explain it to the American people.

We've been trying for two-and-a-half years to find out what happened because the American people deserve to know the truth. I just hope that you'll really think long and hard about this. You've never testified under oath before. It's time for you to set the record straight.

I now yield to Mr. Waxman for his opening statement, and then other Members will also be welcome to make opening statements if they wish.

Mr. BURTON. I now yield to my colleague Mr. Waxman for his opening statement.

Mr. WAXMAN. Thank you, Mr. Chairman. We're here today for another hearing related to the committee's investigation of campaign fundraising in the 1996 election cycle. The purpose of the hearing is presumably to hear the testimony of Mark Middleton, a former White House aide. Mr. Middleton has cooperated with the Department of Justice's campaign finance investigation, and I'm glad that he has done so. I feel very strongly that witnesses should also cooperate with fair congressional investigations. This cooperation is essential if Congress is to fulfill its important oversight responsibilities.

I understand that Mr. Middleton will invoke his fifth amendment privilege against self-incrimination today. I wish we could have heard from him today, but I recognize that he has a constitutional right to choose not to testify. In fact, given the regrettable course of this investigation, I can understand only too well why he has made this choice. In a letter to Chairman Burton this week, Mr. Middleton's lawyer stated—and I want to read from it, but at this point let me offer, Mr. Chairman, the complete text of the letter to you from Mr. Middleton's lawyer for the record.

Mr. BURTON. Without objection.

[The information referred to follows:]

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KATHLEEN MURPHY RING
SHARON M. SCHROER
PATRICK J. SLEVIN
JILL M. VALENSTEIN

OF COUNSEL
JAMIE S. GARDNER

August 3, 1999

BY HAND

The Honorable Dan Burton
Committee on Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Re: Mark E. Middleton

Dear Chairman Burton:

In anticipation of Mr. Middleton's scheduled appearance before the Committee on Government Reform on August 5, in response to the Committee's subpoena, I write to address a number of outstanding issues:

Request for an Interview

As you know, I met with members of your staff on August 2 to propose that Mr. Middleton would agree to be interviewed by you and Committee Counsel, with the understanding that the interview would not constitute a waiver of his Fifth Amendment privilege and would not be followed by a public appearance before the Committee. Such an arrangement would furnish the Committee with the benefit of whatever information Mr. Middleton might possess that would be of interest to your investigation, while sparing him the indignity of having to assert his Fifth Amendment privilege in a public session. It assumed on your part a legitimate interest in pursuing an independent investigation and a decent respect for prevailing ethical rules, which prohibit calling a witness who intends to claim his Fifth Amendment privilege.

We apparently were wrong on both counts. In your letter of August 2, 1999, you have proposed instead that Mr. Middleton agree to be interviewed by the Committee staff - which neither he nor any other committee witness is legally obligated to do - and that he also grant you absolute discretion to determine whether, in addition, he would be required to appear in a public session. Your offer is all *quid* and no *quo*, and confirms to us that the Committee's lust for spectacle outweighs its interest in pursuing the legitimate goals of its investigation. Particularly

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in light of the bad faith that the Committee has shown in its previous dealings with Mr. Middleton, it is not a proposal that he can accept or that merits further discussion.¹

Fifth Amendment Privilege

We also wish to advise you that Mr. Middleton will continue to assert his Fifth Amendment privilege at the Committee's hearing scheduled for August 5.

Mr. Middleton's decision to decline to cooperate with the Committee has, unfortunately, not been a hard one. It has been prompted by a pattern of baseless allegations, burdensome subpoenas, unending harassment of Mr. Middleton, his family, friends, employees, and business associates, and malicious leaks of confidential business information. You have yourself accused him publicly of criminal conduct on numerous occasions, without any evidence to support these reckless charges. Most recently, in May, 1999, the Committee wholesaled allegations that Mr. Middleton had been the conduit for illegal campaign contributions from the Chinese government. Although the Committee possessed documents that flatly refute the charges - which Mr. Middleton himself furnished more than two years ago in response to subpoenas to his company, CommerceCorp International - the Committee majority did not disclose this information or make it available at the hearing.

The following day, May 12, 1999, you appeared on the CNBC television program "Equal Time," where you characterized Mr. Middleton as one of the "Chinese sources" responsible for "a whole lot of contributions that came into the DNC and the president's re-election committee. . . ." You know, of course, that despite unfettered access to all of Mr. Middleton's business records, all of his banking records, dozens of interviews and depositions, and thousands of documents from third parties, there is not a shred of credible evidence that Mr. Middleton was the source of *any* contributions to the DNC or the President's re-election campaign, much less illegal ones from the Chinese.

Based upon this pattern of malicious and reckless statements, Mr. Middleton reasonably concluded that the Committee's inquiry was not a search for the truth but a campaign to punish. Under the circumstances, he concluded that while he would cooperate fully with the investigation conducted by the Campaign Finance Task Force of the Department of Justice, and would, in

¹ Your account of the genesis of these discussions, through the intervention of Rep. Dickey, is radically at odds with Mr. Middleton's recollection of Rep. Dickey's generous efforts. It was precisely in order to avoid any misunderstanding or disagreement that I made the proposal directly to your counsel yesterday. No further purpose would be served by re-hashing earlier unsuccessful efforts to find a common ground.

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Page 3

addition, make all of his business records fully available to your Committee, he would not testify or produce documents in his personal capacity.

As you are already aware (based upon our correspondence in May, 1999), during the spring and summer of 1998, Mr. Middleton was interviewed on three separate occasions by attorneys for the Campaign Finance Task Force and FBI agents on a variety of issues. Mr. Middleton cooperated fully, without any restrictions or promises of immunity, and responded without limitation to subpoenas for documents. Mr. Middleton was not asked to testify before a grand jury.

The Purported Waiver

Proving that no good deed goes unpunished, rather than credit Mr. Middleton's voluntary cooperation with the Justice Department, the Committee has sought to exploit it to argue that Mr. Middleton has waived his right to continue to claim his Fifth Amendment privilege before this Committee. The argument is totally without merit.

In a letter dated June 9, 1999, the Committee furnished to me a memorandum prepared by the Congressional Research Service concluding that the Courts of the District of Columbia would likely find that Mr. Middleton's voluntary, informal cooperation with the Department of Justice constituted a waiver of his right to assert a Fifth Amendment privilege before this Committee.

Although, as you set forth in your letter of June 9, the Congressional Research Service is assuredly "non-partisan," it has not, in this instance, distinguished itself by the quality of its analysis. The CRS memo correctly notes that the courts in the District of Columbia follow a narrower rule than is generally recognized by courts elsewhere, which adhere strictly to a "single proceeding" rule, finding waivers of the Fifth Amendment valid only in the same proceeding in which the waivers occurred. Relaxing this limitation slightly, the D.C. Court of Appeals held in *Ellis v. United States*, 416 F.2d 791, 800 (D.C. Cir. 1969), that a witness who had testified under oath before a grand jury could not later claim a Fifth Amendment privilege in a criminal trial arising out of the same matter.

Relying on *Ellis* and a subsequent case from the D.C. Circuit, *United States v. Perkins*, 138 F.3d 421 (D.C. Cir. 1998), in which the Court *refused* to find that a witness, who had both testified at a criminal trial and later recanted his testimony in a letter to the court, had waived his privilege to refuse to testify in post-conviction proceedings, the CRS reasoned that:

[B]ecause [Middleton's] disclosures to the Justice Department Task Force attorneys and FBI agents *seem akin to the formal trappings of a grand jury appearance* described as indicative of a qualifying informed waiver . . . the courts

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here in the District of Columbia would likely conclude that the witness has waived any otherwise Fifth Amendment privilege and may not assert it in response to the Committee's subpoena.

CRS Opinion, at 6-7 (emphasis supplied).

There is much that is obviously flawed with this analysis. The most obvious is that the CRS managed to reach its conclusion without addressing the plain language of *Ellis* that flatly forecloses the CRS conclusion. In a footnote to the very language of its holding, the Court wrote:

There is, of course, an important distinction between prior sworn testimony at a formal proceeding, for example a grand jury hearing, and statements volunteered during an informal investigation or properly supervised custodial situation Thus we do not hold that waiver takes place when a witness, who has made disclosures to investigating agents, is called at trial or before the grand jury [W]e feel that a statement made to investigators, as opposed to that at a formally constituted tribunal, has less impact even in legal significance if introduced at a subsequent trial of the witness. Thus, the witness may suffer real detriment if he is held to his informal waiver.

Ellis, 416 F.2d at 805 n.37.

Although the unambiguous and forceful language of *Ellis* apparently escaped the attention of the Committee and the CRS, it has not been overlooked by the courts. We are aware of *no* court, in the District of Columbia or elsewhere, which has applied the *Ellis* doctrine to find a blanket waiver of a Fifth Amendment privilege based upon unsworn statements to prosecutors or investigators. Indeed, *Perkins*, the most recent case relied upon by the CRS to conjecture that a waiver would be found, expressly *declined* to find a waiver based upon a letter from the witness directly to the court in which he had previously testified and where his additional testimony was sought.

Moreover, even those courts following *Ellis* recognize that a waiver does not carry over to a subsequent proceeding if "there is new material, or possibly new conditions, that may give rise to further incrimination, by virtue of the second disclosure." *Ellis*, 416 F.2d at 805. We have been informed that subsequent to Mr. Middleton's meetings with agents and prosecutors in 1998, the Department of Justice has re-opened its investigation, based upon information that it received in the spring of 1999. On August 2, I advised your staff that on June 8, 1999, an attorney for the Campaign Finance Task Force caused a grand jury in the District of Columbia to issue a subpoena for personal banking records of Mr. Middleton (a copy of the subpoena is

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enclosed). Additionally, there have been newspaper accounts of an internal Department of Justice memorandum dated June 4 that purportedly recites that the investigation of allegations concerning Mr. Middleton has been "reinvigorated in light of Trie debriefing," apparently referring to cooperation by Charlie Trie this summer under the terms of his plea agreement with the Justice Department.²

We are absolutely confident that a thorough investigation will eventually conclude that Mr. Middleton has broken no laws. However, even indulging the far-fetched assumptions of the CRS memorandum, we are equally confident that no court, in the District of Columbia or elsewhere, would find under these circumstances that Mr. Middleton has waived his right to claim a Fifth Amendment privilege in response to your most recent subpoena.

The Propriety of Requiring Mr. Middleton to Claim a Privilege in Public Session

As you note in your letter of June 9, 1999, Mr. Middleton first claimed his Fifth Amendment privilege in response to a subpoena from this Committee more than two years ago. In letters dated February 27 and March 24, 1997, we responded in detail to your request to set forth the legal and factual basis for Mr. Middleton's claim of a Fifth Amendment privilege. He has not wavered from that position. In light of the fact that Mr. Middleton has already placed his Fifth Amendment claim squarely on the record, we respectfully request that he be excused from the scheduled appearance before the Committee. Requiring Mr. Middleton to claim his Fifth Amendment privilege in a public session would not advance any legitimate interest, while derogating his rights and diminishing his constitutional protections.

We are aware that the Committee has, in the past, required some witnesses to assert their Fifth Amendment privilege in public. Apart from this dubious precedent, there is nothing to recommend this practice. As the Supreme Court made clear more than 40 years ago in the context of Congressional inquiries: "Investigations conducted solely to 'punish' those investigated are indefensible." *Watkins v. United States*, 354 U.S. 178, 187 (1957). Consistent with this basic principle, the Legal Ethics Committee of the District of Columbia Bar has held that it is unethical for a congressional staff attorney to require a witness to claim a Fifth Amendment privilege in public session. Opinion No. 31, District of Columbia Bar, Legal Ethics Committee Opinions (attached). As the Opinion make clear, "[t]here is no congressional power to expose for the sake of exposure." It concluded that where, as here, "it is known in advance that no information will be obtained and the sole effect of the summons will be to pillory the

²We assume that you are familiar with this document, which we have not had an opportunity to review, since a column by Robert D. Novak, published in the Washington Post on August 2, 1999, states that you were shown a copy of it and quotes your reaction to it.

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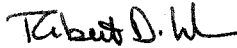
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witness," requiring the appearance of the witness violates a range of ethical standards, including the obligation of lawyers to "avoid the infliction of needless harm," to refrain from using their position "to harass parties," and to avoid asking questions of a witness "solely for the purpose of harassing or embarrassing him." *Ibid.*, quoting EC 7-10, 7-14 and 7-25.

The American Bar Association Guidelines Regarding the Rights of Witnesses in Congressional Investigations (attached) are in accord. Guideline 2 states: "A witness shall not be compelled to exercise his or her fifth amendment privilege against self-incrimination in a public proceeding where the witness has provided notice to the committee."

You unquestionably have the authority to require Mr. Middleton to appear and publicly claim his constitutional privilege. But the power to inflict harm is not a reason to do it. As a matter of fundamental fairness to Mr. Middleton, who has so far seen precious little of it, and out of respect for basic constitutional norms, we ask that you excuse Mr. Middleton's appearance on Thursday.

Yours sincerely,



Robert D. Luskin

cc: The Honorable Henry Waxman



RIGGS BANK N.A.
P.O. Box 1912
Washington, D.C. 20074-1912
(301) 887-6000

June 14, 1999

Mark E. Middleton
1455 Pennsylvania Ave.
Suite 560
Washington, DC 20004

Dear Mr. Middleton:

A subpoena issued by the United States District Court for the District of Columbia has been served on Riggs Bank N.A. The subpoena requires the Bank to produce certain documentary information relating to your accounts and transactions with the Bank. A copy of the subpoena is enclosed for your review.

We are informing you of this subpoena in accordance with our policy of notifying our customers when formal demands are made for information regarding their accounts or their relationship with us. While we strive to protect the privacy interests of all customers, we must comply with valid demands for information made upon us and will begin producing the documents on June 30, 1999.

If you believe that the subpoena is not valid, we suggest you immediately bring this matter to your counsel's attention.

Very truly yours,

A handwritten signature in cursive script that reads "Dolores A. Little".

Dolores A. Little
Assistant Vice President
Riggs Bank N.A.
800 17th Street NW, 7th Floor
Washington, DC 20006
(202) 835-5348; FAX: (202) 835-5346

Enclosure

Middleton-M

United States District Court

THE DISTRICT OF COLUMBIA

TO: Custodian of Records
Riggs National Bank
Legal Affairs Department
800 17th Street, N.W.
Washington, DC 20074

SUBPOENA TO TESTIFY BEFORE GRAND JURY

SUBPOENA FOR:
 PERSON DOCUMENT(S) OR OBJECT(S)

YOU ARE HEREBY COMMANDED to appear and testify before the Grand Jury of the United States District Court at the place, date, and time specified below.

PLACE United States District Courthouse 3rd St. & Constitution Ave., N.W. Washington, D.C. 20001	COURTROOM 3rd Floor
	DATE AND TIME June 30, 1999 at 9:00 a.m.

YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):*

SEE ATTACHMENT

Please see additional information on reverse.

This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

U.S. MAGISTRATE Nancy M. [Signature] (BY) DEPUTY CLERK	DATE June 8, 1999
This subpoena is issued by the of the United States District Court for the District of Columbia	NAME, ADDRESS AND PHONE NUMBER OF ASSISTANT U.S. ATTORNEY John Kacavas, Trial Attorney Campaign Financing Task Force U.S. Department of Justice 1001 G Street, N.W., Suite 800 Washington, D.C. 20001 202/307-0655



ATTACHMENT TO SUBPOENA OF CUSTODIAN OF RECORDS
RIGGS NATIONAL BANK

From when account was first opened to January 31, 1995, produce all documents referring or relating to accounts in the name of or on behalf of Mark Middleton, including, but not limited to, the following account number: 93970857. The documents to be produced shall include, but are not limited to the following:

1. For all checking, savings, and money market accounts:
 - a) signature cards;
 - b) bank statements;
 - c) credit and debit memoranda, including wire transfers showing origin/destination and account number;
 - d) cashier's or treasury checks drawn on the account(s);
 - e) checks over \$200 (front and back) and any supporting memoranda;
 - f) all checks deposited to the accounts (front and back) and any supporting memoranda;
 - g) all deposit slips, and matching deposit memoranda (front and back);
 - h) Forms 1099 and/or other advices of interest earned.
 - i) records of all purchases of IRAs, Treasury Bills, money market certificates and accounts, Certificates of Deposit, and All Savers certificates.
2. For charge card accounts:
 - a) applications;
 - b) signature cards;
 - c) account statements;
 - d) supporting memoranda.
3. For certificates of deposit, savings certificates, bonds, and securities:
 - a) signature cards;
 - b) application for purchase;
 - c) account statements;
 - d) supporting documentation showing source of funds used to invest, purchase(s) made, and disbursement(s) of funds at maturity.
4. For loan accounts:
 - a) financial statements and credit reports;
 - b) applications;
 - c) promissory notes;
 - d) certificates of satisfaction;
 - e) mortgage records and applications;
 - f) collateral loan records and/or agreements;
 - g) account statements.

5. For safety deposit boxes:

- a) applications;
- b) records of entry;
- c) rental documentation.

** We request that you produce all signature cards and bank statements as soon as possible. After we have received those documents, we will contact you to discuss the remainder of the production with you.

If you anticipate that the total charges for production of these documents will be greater than \$500, please first call the attorney listed on the subpoena.

witness' reputation and possibly prejudicial to him in a future criminal trial. On the other hand the inquiring power of a congressional committee is limited to obtaining information in aid of Congress' legislative function. *McGrain v. Daugherty*, 273 U.S. 135 (1929); *Sinclair v. United States*, 279 U.S. 263 (1929). There is no congressional power to expose for the sake of exposure. "Investigations conducted solely for the personal aggrandizement of the investigator or to 'punish' those investigated are indefensible." *Watkins v. United States*, 354 U.S. 178, 187, 200 (1957). See also EC 7-16, which states that "The primary business of a legislative body is to enact laws rather than to adjudicate controversies."

Since the only legitimate function of a congressional investigating committee is to obtain information for the use of Congress in its legislative capacity, the inquiry before us poses the issue whether it is ethical to summon a witness when it is known in advance that no information will be obtained and the sole effect of the summons will be to pillory the witness. In dealing with an analogous situation, the American Bar Association Project on Standards for Criminal Justice stated (par. 5.7(c)) that "It is unprofessional conduct for a prosecutor to call a witness who he knows will claim a valid privilege not to testify, for the purpose of impressing upon the jury the fact of the claim of privilege."¹ The courts have held that summoning a witness in such circumstances constitutes prosecutorial misconduct that may require a reversal of a criminal conviction. *United States v. Coppola*, 479 F.2d 1153 (10th Cir. 1973); *San Fratello v. United States*, 340 F.2d 560 (5th Cir. 1965); *United States v. Tucker*, 267 F.2d 212, 215, (3rd Cir. 1959). And in the case of a grand jury, the American Bar Standards provide (par. 3.6(e)) that "The prosecutor should not compel the appearance of a witness before the grand jury whose activities are the subject of the inquiry if the witness states in advance that if called he will exercise his constitutional privilege not to testify, unless the prosecutor intends to seek a grant of immunity according to the law."²

We see no reason in principle why this standard should not govern the conduct of an attorney acting for a congressional committee. Insofar as the attorney has some question whether the witness will in fact claim his privilege if called, this question can be resolved by calling the witness in an

executive session. There is certainly no need to have the test of claim of privilege take place in a televised open hearing with the resultant inevitable prejudicial publicity for the witness. Cf. *San Fratello v. United States*, *supra* at 565, where the court stated that, if the government insisted in a criminal trial that the claim of privilege be made on the witness stand under oath, this should be done out of the presence of the jury.

Although it appears clear that the conduct described in the inquiry is improper, our jurisdiction is confined to rendering opinions on the applicability of the Code of Professional Responsibility to the conduct in question. Not surprisingly, the Code is directed to the conduct of attorneys in its usual manifestations and is not specifically oriented to the conduct of attorneys acting as counsel for congressional committees. Nonetheless, in our view, the conduct described here appears to be in conflict with at least the spirit of one Disciplinary Rule and the language of several Ethical Considerations. DR 7-106(C)(2) dealing with a lawyer's trial conduct provides: "In appearing in his professional capacity before a tribunal, a lawyer shall not . . . [a]sk any question that he has no reasonable basis to believe is relevant to the case and that is intended to degrade a witness. . . ." Although, arguably, a congressional committee is not a "tribunal," we believe that the principle that an attorney should not ask a witness questions that are "intended to degrade" him is applicable here. DR 7-106(C)(2) prohibits only questions that the lawyer has no reasonable basis to believe are relevant and that are "intended to degrade" as well. When the lawyer knows in advance that he will not receive an answer to his question because of a claim of constitutional privilege, we believe that the question is fairly characterized as irrelevant to the case and such irrelevance is to the lawyer's knowledge.

Further, we believe that the conduct conflicts with the following ethical considerations: EC 7-10 ("The duty of a lawyer to represent his client with zeal does not militate against his concurrent obligation to treat with consideration all persons involved in the legal process and to avoid the infliction of needless harm"); EC 7-14 ("A government lawyer . . . should not use his position . . . to harass parties"); and EC 7-25 ("[A] lawyer should not ask a witness a question solely for the purpose of harassing or embarrassing him").³

March 29, 1977
Inq. No. 21

¹The conduct might also be taken to violate DR 1-102(A)(5), which provides that a lawyer shall not "[e]ngage in conduct that is prejudicial to the administration of justice." The Judicial Conference Committee (*supra* note 1) expressed that view at p. 36 of its report. However, a majority of this Committee are of the view that the language of this standard is too vague to permit its application as a disciplinary rule.

Opinion No. 31

DR 7-106(C)(2); EC 7-10, 7-14, 7-25 — Lawyer for Congressional Committee— Summoning Witness Who It Is Known Will Decline To Answer Any Questions on a Claim of Privilege

We have been asked to advise whether it is proper for a congressional committee whose chairman, staff and several members are attorneys to require a witness who is a "target" of a pending grand jury investigation to appear at televised hearings to be questioned when the committee has been notified in advance that the witness will exercise his constitutional privilege not to answer any questions. At the outset, we note that whatever follows applies only to staff attorneys acting in their capacities as attorneys. It is not within our province to pass upon the propriety of conduct by congressmen, who may or may not be lawyers, but are acting in any event as congressmen.

It is not *per se* improper for an attorney acting as counsel for a congressional committee to cause a witness to be summoned in furtherance of a legitimate legislative function of Congress, even though the resultant attending publicity will be damaging to the

¹A committee of the District of Columbia Judicial Conference in a report entitled *Comparative Analysis of American Bar Association Standards for Criminal Justice with District of Columbia Law, Rules and Legal Practice* (September 1973) commented (pp. 53-56) that the District of Columbia is in accord with this Standard.

²The Report cited *supra*, fn. 1, stated (pp. 42-43) that the Committee was divided regarding the applicability of this standard in the District of Columbia.

Approved as ABA policy by the ABA House of Delegates, August 1988

AMERICAN BAR ASSOCIATION
CRIMINAL JUSTICE SECTION

REPORT TO THE HOUSE OF DELEGATES

RECOMMENDATION

BE IT RESOLVED, that The American Bar Association approves of the following Guidelines Regarding the Rights of Witnesses in Congressional Investigations:

1
2
3

Guideline 1

4

All witnesses required to appear before Congressional Committees shall be entitled to be represented by and to have the effective assistance of counsel of their choice.

5
6
7
8

Guideline 2

9

Witnesses in Congressional proceedings shall have the privileges in connection with their appearance which are recognized by the courts of the United States in Administrative and Judicial Proceedings, including the fifth amendment privilege against self-incrimination, and the attorney-client, work product and spousal privileges. A witness shall not be compelled to exercise his or her fifth amendment privilege against self-incrimination in a public proceeding where the witness has provided notice to the committee.

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111D

Guideline 3

	23
In acting with due regard for the rights and	24
reputations of uncharged persons, members of	25
Congress: should afford reasonable notice to	26
subpoenaed witnesses; should ensure witnesses	27
a reasonable opportunity to review records	28
and documents obtained from them which the	29
witness needs to refresh his recollection and	30
to prepare testimony; should provide wit-	31
nesses reasonably in advance of their	32
testimony with copies of their prior	33
testimony taken in deposition or in executive	34
sessions; should permit witnesses to offer	35
rebutting evidence and explanations in the	36
same proceeding; should avoid the introduc-	37
tion of inflammatory or scandalous material	38
regarding a citizen which is presented at	39
public hearing and which is unsupported in	40
the record by reliable evidence.	41

Robert D. Novak

Political Pursuits At Justice

As it downsizes and gets ready to go out of business, the Justice Department's task force on campaign finance is acting strangely. It lists as "ongoing" long-dormant cases that could embarrass President Clinton. It has classed as "inactive" the probe of an inquiry into a major fixer of illegal Chinese campaign contributions. And, it still lists as "active" an inquiry that appeared to be surely dead: targeting former Republican national chairman Haley Barbour.

This is the kind of information that Attorney General Janet Reno would not reveal to Congress, much less to the public. The status of the task force's investigation is disclosed in a three-page, single-spaced memo dated June 4, which was not leaked by the zippered-up Justice Department but was inadvertently released. In the intervening two months, Deputy Attorney General Eric Holder has been trying desperately to retrieve all errant copies.

No wonder. The cryptic document tends to confirm suspected politicization at Justice. That is the interpretation of Reno's most severe congressional critic, Rep. Dan Burton, chairman of the House Government Reform Committee. Shown a copy of the document, Burton told me: "The attorney general was blocking for the president to keep us from holding hearings."

Holder refused to discuss with me the individual cases because of grand jury regulations and privacy laws. He added it would be "fundamentally unfair" to reveal the name of anyone targeted. But in fact, the identity of anyone mentioned here long ago became public through campaign scandal news reports. A careful reading of the document finds many surprises.

Surprise No. 1: Listed among the "ongoing investigations" are former Democratic national chairman Don Fowler and businessman Roger Tamraz. Nothing has been heard for nearly two years about allegations that Fowler falsely denied gaining White House access for Tamraz in return for campaign contributions. Since Burton's investigating committee cannot question anybody targeted in an active Justice case, are these investigations kept open purely in order to frustrate Republican inquiries?

Surprise No. 2: Also in the "ongoing" category is the Lippo Group, the Asian conglomerate that poured money into Clinton's 1996 campaign. The Burton committee last year cited \$1.2 million in illegal contributions from Lippo, but here, too, it has been forestalled by a Justice proceeding that shows no progress.

Surprise No. 3: Former Clinton White House aide Mark Middleton, accused of engineering campaign loans, was stricken off the task force's list of investigations "likely to be [closed] shortly" and added to the "ongoing" list with this notation: "reinvigorated in light of Trie debriefing." Just what the Justice Department learned from Clinton fund-raiser Charlie Trie, who has made a plea bargain, is a mystery.

Surprise No. 4: Liu Chao Ying, the daughter of a highly influential Chinese general, is on the list of "pending inactive investigations." A top aerospace official she brought Clinton fund-raiser Johnny Chung into high-level official circles in Beijing, just as she was involved in trying to fix up China's missile technology. Why should her case be inactive?

Surprise No. 5: After two years of facing gossamer charges involving 1996 Republican soft-money contributions from abroad, GOP insider Barbour—now a member of George W. Bush's "exploratory" committee—is still on the "ongoing" list. The election law's statute of limitations ran out 18 months ago, and nobody really expects the Justice Department to seek a conspiracy indictment, is Barbour still listed purely for political leverage?

Surprise No. 6: Nearly two years after Burton was accused of trying to shake down a lobbyist, Reno's arch-enemy is now listed in the "shortly-to-be-closed" category with this notation: "Closing memo sent to Public Integrity section of Justice Department." Was this fruitless investigation kept open for so long, with no announcement of the "shortly" designation and without even notifying Burton, in order to give the attorney general a club?

The document is filled with other enticing glimpses into Reno's secret recesses. For example, an unpublished investigation of five unnamed congressmen for receiving payments from Libya has been transferred to prosecutors in New York and Newark. But more broadly, these revelations show how politicized the Department of Justice has become. Oversight hearings by the House Judiciary Committee are long overdue.

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Mr. WAXMAN. His lawyer stated,

Mr. Middleton's decision to decline to cooperate with the committee has unfortunately not been a hard one. It has been prompted by a pattern of baseless allegations, burdensome subpoenas, unending harassment of Mr. Middleton, his family, friends, and employees and business associates, and malicious leaks of confidential business information. Based on this pattern of malicious and reckless statements, Mr. Middleton reasonably concluded that the committee's inquiry was not a search for the truth, but a campaign to punish. Under the circumstances, he concluded that while he would cooperate fully with the investigation conducted by the Campaign Finance Task Force of the Department of Justice and would, in addition, make all of his business records fully available to your committee, he would not testify or produce documents in his personal capacity.

That's the end of the quote from the letter from Mr. Middleton's lawyer.

Unfortunately, Mr. Middleton's characterization of this committee's approach toward investigation is all too accurate. Our committee's work is beginning to resemble the search for the Holy Grail. We keep issuing more subpoenas, combing through more bank records, making more false accusations, and running down more blind alleys, all in the hopes of finding something. Given the millions of pages of documents the committee has received and the hundreds of people we have questioned, it's remarkable how little we have to show for this \$7 million investigation.

I do want to point out that in this letter from Mr. Middleton's lawyer, he indicated that Mr. Middleton was willing to be interviewed by the chairman and his counsel, with the understanding that the interview would not constitute a waiver of his fifth amendment privilege and would not be followed by a public appearance before the committee. The lawyer suggested that such an arrangement would furnish the committee with the benefit of whatever information Mr. Middleton might possess that would be of interest to our investigation, while sparing him the indignity of having to assert his fifth amendment privilege in a public session. And then the lawyer said, it assumed on your part a legitimate interest in pursuing an independent investigation and a decent respect for prevailing ethical rules which prohibit calling a witness who intends to claim his fifth amendment privilege. And the lawyer says, "we were apparently wrong on both counts."

I wish Mr. Middleton could have illuminated our search by testifying today, but given our track record, we probably wouldn't have learned much anyway. I yield back the balance of my time.

Mr. BURTON. The gentleman yields back the balance of his time.

Do any of the other Members have opening statements they would like to make?

If you'd like to go ahead and make a statement.

Mr. HORN. I don't want to delay the proceedings. If I could just have it submitted.

Mr. BURTON. We will submit it for the record.

[The prepared statement of Hon. Stephen Horn follows:]

Draft Opening Statement
Rep. Steve Horn
Committee on Government Reform
August 5, 1999

Mr. Chairman, as you have noted, the witness we have before
us today – Mark Middleton – is a crucial figure in the long and
tangled saga of campaign finance abuses that this committee has
been investigating for more than two years.

Or, I should say, we have been **trying** to investigate these allegations but, as we all know, witness after witness has either fled the country or taken the Fifth Amendment to avoid self-incrimination.

So far, more than 120 witnesses have refused to cooperate with this committee in seeking the truth about reports that large sums of foreign money were given to the President's 1996 reelection campaign. It is my hope that today Mr. Middleton will take his name off of that sorry list by giving us – and the American people – the straight facts about his role in this matter.

Mark Middleton knows a very great deal about what happened in the 1996 campaign. He was a major figure in raising funds for the President's first campaign in 1992 and he played a similar role in 1996. Between those campaigns, he served as the right-hand man for the President's first chief of staff, Mack McLarty.

He then became an international business consultant with close ties to many of the key American and foreign figures named in press reports about campaign finance abuses – John Huang, Charlie Trie, the Riady family of Indonesia and a wide variety of high officials in China, Taiwan, Hong Kong, and other points of the Far East.

In short, Mr. Middleton has had the remarkable distinction of inhabiting the inner circle of presidential campaign fund-raising, the inner circle of the White House and the inner circle of wealthy and influential Asian businessmen with interests in the United States -- all at the same time.

We are told that Mr. Middleton has cooperated fully with the Justice Department's campaign finance task force. I am pleased to hear that and I hope that means he will cooperate fully with the committee today. As a former senior White House aide and a close associate of the President, Mr. Middleton bears a responsibility to the American people to testify fully and honestly on what he knows – and we all know he knows a great deal.

Thank you, Mr. Chairman.

Mr. BURTON. Mrs. Chenoweth.

Mrs. CHENOWETH. Mr. Chairman, I have a statement that I would like to submit for the record.

Mr. BURTON. Without objection.

[The prepared statement of Hon. Helen Chenoweth follows:]

Statement of Representative Helen Chenoweth
Committee on Government Reform
Regarding Mark Mittleton
August 5, 1999

It is my understanding that the witness, Mr. Mittleton, intends to invoke his fifth amendment right against self-incrimination in order to avoid answering this Committee's questions. If that is the case, I find it disturbing.

In calling Mr. Mittleton before us today, the Committee is performing two functions. First, we are providing him with the opportunity to speak on his own behalf regarding very serious concerns we have about his possible involvement in illegal foreign fund raising. If he declines to testify, he is depriving himself of that opportunity.

Second, and more importantly, the Committee is here today to seek answers to some very compelling questions. Americans have a right to know where campaign dollars are coming from, and whether laws have been broken. With one-hundred and twenty-two individuals asserting their fifth amendment privilege or fleeing the country to avoid testifying before this committee, it seems apparent that there is a movement underfoot to prevent the American people from learning the truth. We must get to the bottom of this matter.

Through his attorneys, Mr. Mittleton has told the Committee that he has answered the questions put to him by the Justice Department. But he is unwilling to answer questions from this Committee. This presents a puzzling contradiction. By invoking his Fifth Amendment privilege, Mr. Mittleton is asserting that testifying before this committee would be self-incriminating. Yet he has cooperated fully with the Justice Department investigation with no apparent fears of self-incrimination. Why is Mr. Mittleton not afraid of self-incrimination from the Justice Department?

The Fifth Amendment privilege is a foundational principle of our Bill of Rights. Every American has the right to due process. However, this sacred right should not be used to deprive the American people of accountability from their public servants.

I sincerely hope that this witness will carefully reconsider his decision not to testify. I hope that he will pause to consider the rights of the American people whom he served in the White House and their right to know what he witnessed during his public service.

In the event that the witness invokes his Fifth Amendment rights, I believe the American people should view this with alarm and deep concern. I certainly will.

Mr. BURTON. Does anyone else have anything they'd like to submit?

Mr. Middleton, would you and your counsel come forward, please.
[Witness sworn.]

Mr. BURTON. Mr. Middleton, because of your interaction with so many of these key figures who were involved in illegal contributions, such as DNC Finance Vice Chairman John Huang, Charlie Trie, the Riadys, and your client Mark Jimenez, as well as your involvement in seeking meetings for foreign nationals with the President, First Lady, and other administration officials, we have sought your testimony over the past 2 years. Today we would like to ask you about these connections.

First, we would like to ask you about a November 1, 1995, DNC document, which reflects then DNC Chairman Don Fowler's schedule. We are going to direct your attention to exhibit No. 44 on the second page, which is titled DNC 3022277. It's a scheduled meeting with Mark Middleton in the Sinar Mas Group Delegation, which I would note is controlled by the Widjaja family, which paid you in excess of \$850,000, according to your own bank records. The note on the bottom of Fowler's schedule explains that the group was meeting with the President on November 3 and the First Lady on November 4. At the end of the note it states, "The Widjaja family is one of the wealthiest and most successful families in Indonesia. Mark Middleton will discuss their giving potential at a later date."

Did you ever discuss with Don Fowler the possibility that the Widjajas or their family, who were foreign nationals, would contribute to the DNC?

Mr. LUSKIN. Mr. Chairman, before we begin—

Mr. BURTON. Just 1 second, Counsel. Counsel, we have been through this before with previous counsels. The House rule 11(k)(3) states that witnesses at hearings may be accompanied by counsel for the purpose of advising them of their constitutional rights. You are not here as a witness, and you may not address the committee. I will quote Congressman Tom Lantos, one of my Democrat colleagues, who, when chairing a subcommittee hearing in 1989, informed the attorney for HUD Secretary Samuel Pierce, that "in essence at this hearing you are, in fact, a potted plant." I will not go that far, but that's what he said. Chairman Lantos then prevented the attorney for Secretary Pierce from making any statement. I enforced this rule last week when the attorney for Charles Parish repeatedly attempted to make statements before the committee, and we must enforce it again today. So if you have anything that you would like for Mr. Middleton to convey it must be conveyed through Mr. Middleton. Counsels for any witness are not allowed to testify or make any statement.

Mr. LUSKIN. I have the utmost respect for rule 11(k)(3). I would ask respectfully that you also enforce rule 11.

Mr. BARR. I ask for regular order. The witness has been instructed.

Mr. BURTON. Counsel, you have heard the rule and the ruling of the Chair. That is the way we are going to conduct this hearing.

Mr. Middleton, do you recall the question I just asked?

Mr. MIDDLETON. I do recall. Mr. Chairman, on behalf of counsel, I respectfully assert my fifth amendment privilege and decline to answer the question.

Mr. BARR. Mr. Chairman, the fifth amendment is a personal right. It can't be asserted on behalf of somebody. Is the witness asserting for his attorney or for himself? Maybe he can clarify that. He said he was asserting on behalf of.

Mr. BURTON. Would you restate your—

Mr. MIDDLETON. On advice of counsel, sir.

Mr. WAXMAN. Point of order, Mr. Chairman.

Mr. BURTON. The gentleman will state his point of order.

Mr. WAXMAN. The House rules provide that photographers may not position themselves between the witness table and the members of the committee at any time during the course of a hearing or meeting, and I understand Mr. Middleton and his counsel were asserting this rule. I think they have good grounds to assert this rule, because it is a rule of the House.

Mr. BURTON. Then we will request that the photographer go off to the side or someplace else.

Mr. LUSKIN. Thank you, Mr. Chairman. That's the only issue I wanted to raise.

Mr. BURTON. Mr. Middleton, in May 1994, we have records of your first documented White House meeting with DNC fundraiser Charlie Trie. Trie shortly thereafter contributed \$80,000 to the DNC and continued to contribute and raise large sums to the DNC and other Democratic-related sources amounting to over \$800,000. In this timeframe, Mr. Trie also brought his Macau financier Ng Lap Seng, also known as Mr. Wu, to the White House to meet with you. In fact, you met with Trie and Ng Lap Seng on six occasions at the White House, according to our records. Mr. Wu was the individual who wired over \$1 million to Charlie Trie in the 1994–1996 timeframe.

Could you tell us about your knowledge of the foreign source on Charlie Trie's funds that he used to contribute or used for conduit contributions to the DNC?

Mr. MIDDLETON. Again, on advice of my counsel, I assert my fifth amendment privilege and will continue to do so with respect to any further questions.

Mr. BURTON. Could you tell us about your knowledge of Mr. Wu's assistance in providing funds to Mr. Trie that he used to contribute to the DNC?

Mr. MIDDLETON. My answer is the same, sir.

Mr. BURTON. Could you tell us whether or not anyone at the White House, including President Clinton, Vice President Gore, the First Lady, or Harold Ickes knew about the foreign origins of the money that Mr. Trie used to contribute or used to make conduit contributions to the DNC?

Mr. MIDDLETON. I answer respectfully the same, sir.

Mr. BURTON. Mr. Middleton, I direct your attention to a February 26, 1996, letter, on your company letterhead, exhibit No. 33, to a Mr. Joe Giroir of the Arkansas International Development Corp. In this letter you wrote, "John Huang hosted a very successful event for the President this week. Both the President and Marven Rosen commented to me about the great job that John is

doing. I hope you will relay that message.” Presumably this was referring to the February 19, 1996, fundraiser reflected here in this picture. Do we have the picture? It’s a picture of a \$1 million check with Huang and Fowler. Approximately two-thirds of the funds raised at this event have been identified as coming from illegal or foreign sources, some of which have yet to be returned by the DNC.

Did the President know about the foreign origins of the funds raised at this event, and could you tell us about the President’s knowledge about the funds raised at this February 19 event?

Mr. MIDDLETON. My answer is the same, sir.

Mr. BURTON. To whom did you want—

Mr. WAXMAN. Point of order, Mr. Chairman.

Mr. BURTON. The gentleman will state his point of order.

Mr. WAXMAN. I believe it’s improper to have repeated questions of witnesses who invoke the fifth amendment, and I would cite for you the Legal Ethics Committee of the District of Columbia Bar, which held that it’s unethical for a congressional staff attorney to require a witness to claim a fifth amendment privilege in public session. This opinion states that when it is known in advance that no information will be obtained, and the sole effect of the summons will be to pillory the witness, requiring the appearance of the witness to assert his fifth amendment privilege in public before a congressional committee, will violate legal and ethical standards including the obligation of lawyers to avoid the infliction of needless harm, to refrain from using their positions to harass parties, and to avoid asking questions of witnesses solely for the purpose of harassing or embarrassing them.

I also want to point out the fifth amendment is a constitutional right. When a person asserts this right, it may not be used as an inference of guilt or innocence. “In our view,” now quoting from a court case, “an interrogating official himself gravely abuses the privilege against self-incrimination when he nevertheless insists on asking the incriminating question with a view to eliciting a claim of privilege and thereby creating prejudice against the witness or some other party concerned.” That’s a direct quote from the *United States v. Tucker*, U.S. 267 F.2d 212, 215, 1959. I have other citations as well, but I see no purpose, as much as I regret Mr. Middleton taking the fifth, since he has taken it, to have repeated questions of him to which he’s going to only assert a fifth amendment right that he has.

Mr. BURTON. That is not a valid point of order. The Chair rules. That is not a valid point of order, Mr. Waxman.

Mr. WAXMAN. Could the Chair cite legal authority which is contrary to that which I asserted?

Mr. BARR. Mr. Chairman, if the Chair would yield.

Mr. BURTON. Just 1 second.

Mr. WAXMAN. I might point out last week with Mr. Parish, the chairman took the view that—

Mr. BURTON. It has nothing to do with House rules, and the Chair rules it’s not a valid point of order. Mr. Waxman, you can take it up with the Parliamentarian if you choose.

Mr. WAXMAN. I’m going to appeal your decision. We have a vote on the floor, and we’ll take it up with the Parliamentarian.

Mr. BURTON. Both John Huang and Charlie Trie—

Mr. WAXMAN. Mr. Chairman, I have an appeal of the decision of the Chair pending.

Mr. BURTON. We will have a vote on it right now.

Mr. BARR. Mr. Chairman, I move to table that.

Mr. BURTON. The motion has been made to table the objection by Mr. Waxman. All those in favor signify by saying aye.

All opposed?

The issue has been tabled.

Both John Huang and Charlie Trie, Mr. Middleton, solicited or obtained most of the contributions associated with this event. Could you tell us any knowledge that you might have about how Mr. Huang or Mr. Trie obtained these foreign funds and distributed them for conduit contributions to the DNC?

Mr. MIDDLETON. My answer is respectfully the same, sir.

Mr. BURTON. Vice President Gore had a fundraising event the following morning, February 20, 1996, for the same donors that contributed to the February 19 event. We have a picture of you here at that event with the Vice President. Did Vice President Gore have any knowledge regarding the foreign origins of the funds from this or related events?

Mr. MIDDLETON. My answer is respectfully the same, sir.

Mr. BURTON. Mr. Middleton, I would like to point out that the fifth amendment privileges relate to one item and one item only, and that is the fear of potential self-incrimination. No witness is entitled to claim the fifth amendment because he may not approve statements made by Members or because you do not like this particular forum. It is very important for you to understand, and you are a lawyer, so I presume you do, that in order to validly claim the fifth amendment, you must fear potential self-incrimination if you were to testify under oath.

With that being said, my question is, is it your position that if you were to testify under oath before this committee, you fear the potential for self-incrimination?

Mr. MIDDLETON. Sir, as I understand it, I have a right to counsel, according to the House rules. My counsel is present here beside me, and I'd like to defer to him on the basis of any legal opinions.

Mr. BURTON. You can consult with your lawyer. Your lawyer cannot address the committee under House rules. You can answer the question or confer with him and then answer the question.

Mr. MIDDLETON. I understand, sir, that I have a legally valid claim to assert the privilege, and I'm doing so here today.

Mr. BURTON. The fifth amendment?

Mr. MIDDLETON. Yes, sir.

Mr. BURTON. I will enter into the record letters from your attorney claiming that you have totally cooperated with the Justice Department, and that you have not taken the fifth with Justice. I will also enter into the record a report from the Congressional Research Service which indicates that this representation suggests Mr. Middleton has waived his fifth amendment privilege.

[The information referred to follows:]

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 SHARON L. O'GRADY
 *NOT ADMITTED IN DC

May 7, 1999

VIA FACSIMILE

Barbara Comstock, Esq.
 Chief Counsel
 U.S. House of Representatives
 Committee on Government Reform
 and Oversight
 2157 Rayburn House Office Building
 Washington, D.C.

Dear Ms. Comstock:

As counsel for Mark E. Middleton, I am writing to respond to your request of Thursday, May 6, that Mr. Middleton agree to be interviewed by the Committee about the disgraceful and false accusations that the Committee has been leaking to the media over the last several days.

As you know, Mr. Middleton decided nearly two years ago not to cooperate with your Committee's various inquiries. Based upon a pattern of bad faith, persistent leaks to the media, and false and unfounded public statements about him by Chairman Burton, he concluded that the Committee had no interest in an honest, thorough, or fair minded investigation into the matters before it. The events of the past few days, in which the Committee has leaked details about allegations against Mr. Middleton and others before even going through the motions of conducting an impartial investigation, confirms both the accuracy of his perceptions and the wisdom of his choice.

As you also know, at the same time Mr. Middleton declined to cooperate with the Committee, he agreed to cooperate fully with the Department of Justice in its investigation of the same matters. In the spring and summer of 1998, Mr. Middleton was interviewed on three separate occasions by attorneys for the Campaign Finance Task Force and FBI Agents on a wide variety of issues, including the current allegations by Mr. Chung. Mr. Middleton cooperated fully, without any restrictions or promises of immunity, and responded without limitation to requests for documents. The Department of Justice concluded that the allegations that Mr. Middleton ever received any funds from sources in the People's Republic of China were absolutely without foundation.

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Barbara Comstock, Esq.
May 7, 1999
Page 2

If you have any interest in the truth of these charges, or any of the other falsehoods about Mr. Middleton that the Committee has circulated over the last two years, I suggest that you approach the Department of Justice, so that you can share the fruits of a thorough and impartial investigation that has found no evidence of wrongdoing by Mr. Middleton.

Yours sincerely,



Robert D. Luskin

cc: Kenneth Ballen, Esq.

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OF COUNSEL
 SHARON L. O'GRADY*
 *NOT ADMITTED IN DC

May 24, 1999

VIA FACSIMILE AND MAIL

The Honorable Dan Burton
 Chairman
 Committee on Government Reform
 U.S. House of Representatives
 2157 Rayburn House Office Building
 Washington, D.C. 20515-6143

Dear Chairman Burton:

I am writing in response to your letter of May 20, 1999, which purports to reply to my letter to the Committee of May 7, 1999, declining, on behalf of Mark Middleton, the Committee's request that he be interviewed concerning information furnished by Johnny Chung and expressing our indignation that the Committee leaked Mr. Chung's false and derogatory allegations before even going through the motions of conducting an impartial inquiry. Mr. Middleton did not assert a Fifth Amendment privilege in response to your most recent request, since I understood from Ms. Comstock's last-minute telephone call that Mr. Middleton was not subject to a subpoena. Rather, he declined to cooperate because of a pattern of malicious leaks and bad faith that caused him reasonably to question the Committee's interest in conducting a fair-minded investigation of the matters before it. I had thought that my letter was clear on this point, but emphasize it again in light of the matters that you raise in your letter of May 20.

Your letter, unfortunately, does not respond to any of the concerns that we have raised; but, instead, seeks to use the information that we provided concerning Mr. Middleton's voluntary cooperation with the Department of Justice as the basis for further efforts by the Committee to harass and embarrass him.

Let me assure you that the statements in my letter of May 7 were accurate in every respect and I take strong offense to your conditional characterization of the letter ("If your letter is accurate . . .") or the unfounded speculation that it might be "seriously misleading." I do not agree, moreover, that the additional information you requested is relevant to "evaluating [Mr. Middleton's] previous claims . . ." or to determining whether he may do so in the future. Rather, as it has in the past, the Committee appears to be laboring under a fundamental misapprehension of the basic rules of law governing the Fifth Amendment privilege.

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The Honorable Dan Burton
May 24, 1999
Page 2

In the first place, it is difficult for me to understand how Mr. Middleton's cooperation with the Department of Justice in 1998 could call into question his assertion of a Fifth Amendment privilege in 1997. As you recall, at the Committee's request, Mr. Middleton submitted, on March 21, 1997, a detailed explanation of the basis for his assertion of a Fifth Amendment privilege which was founded, in substantial part, by your own statements publicly accusing Mr. Middleton of having engaged in unlawful activity. The Committee took no steps at that time to test the validity of Mr. Middleton's claim of privilege; and there is absolutely no basis in law to suggest that his subsequent actions shed any light whatsoever on the merits of his earlier refusal to testify.

Nor is there any basis to suggest that Mr. Middleton's cooperation with the Department of Justice Campaign Finance Task Force constitutes a waiver of his Fifth Amendment privilege in connection with any future proceedings before your Committee. As a general matter, waivers of constitutional rights are rarely inferred and narrowly construed. And, with respect to the Fifth Amendment, "[i]t is hornbook law that the waiver is limited to the particular proceeding in which the witness appears." *United States v. Cain*, 544 F.2d 1113 (1st Cir. 1976). Thus, even if Mr. Middleton had given testimony under oath in a proceeding related to a Justice Department investigation – which he has not – it would not vitiate his right to assert a Fifth Amendment privilege in any proposed proceedings before the Committee. See also *In re Morganroth*, 718 F.2d 161 (6th Cir. 1983); *United States v. Fortin*, 685 F.2d 1297 (11th Cir. 1982); *United States v. Licavoli*, 604 F.2d 613 (9th Cir. 1979); *United States v. Lawrenson*, 315 F.2d 612 (4th Cir. 1963); *United States v. Miranti*, 253 F.2d 135 (2^d Cir. 1953).

In light of these clear legal principles, the details of Mr. Middleton's interactions with the Department of Justice have literally no bearing on whether he may continue to assert a privilege before your Committee. I, therefore, decline to respond to your detailed questions except to confirm that Mr. Middleton did not ask for or secure any form of immunity from the Department of Justice in return for his voluntary cooperation and to represent that he has not been asked to testify under oath. If you wish to secure any additional details, I respectfully suggest that you address these questions to the Department of Justice, which is in a better position than I am to consider whether disclosure of such information would jeopardize any ongoing investigations.

In that regard, I strongly disagree with your suggestion that I "certainly know that the Task Force is prohibited from discussing, or even characterizing, any interaction with Mr.

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The Honorable Dan Burton
May 24, 1999
Page 3

Middleton." Mr. Middleton was not asked to testify before the Grand Jury and I am unaware of any statute or rule that would prohibit the disclosure of the circumstances of his cooperation.

Yours sincerely,



Robert D. Luskin

cc: The Honorable Henry Waxman





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May 18, 1999

TO : House Committee on Government Reform
Attention: David Kass

FROM : American Law Division

SUBJECT : Whether a Witness Who Has "Cooperated Fully" With a
Department of Justice Investigation Has Waived Any
Privilege Against Self-Incrimination That Might Have Been
Claimed in Response to a Congressional Subpoena Duces
Tecum for Documents on a Related Matter.

This is in response to your request for an analysis as to whether a witness may claim a Fifth Amendment privilege against self-incrimination in response to a Congressional committee subpoena duces tecum when he has previously cooperated fully with similar requests from the Department of Justice.

The witness, through a letter from his attorney dated March 24, 1997, refused to provide the subpoenaed documents on the basis of the Fifth Amendment act of production doctrine. In a letter from his attorney to the Committee's Chief Counsel dated May 7, 1999, the witness asserted that while he had "declined to cooperate with the Committee, he agreed to cooperate fully with the Department of Justice in its investigation of the same matters." He further declared that he "was interviewed on three separate occasions by attorneys for the Campaign Finance Task Force [of the Department of Justice] and FBI agents on a wide variety of issues" and that he "cooperated fully, without any restrictions or promises of immunity, and responded without limitation to requests for documents." The letter concludes with the suggestion that the Committee "approach the Department of Justice, so that you can share the fruits of a thorough and impartial investigation that has found no evidence of wrongdoing" on the part of the witness.

Although the law may be to the contrary elsewhere, the courts here in the District of Columbia would likely conclude that the witness has waived his privilege and may not reassert it in response to the Committee's subpoena.

The Fifth Amendment to the United States Constitution provides that "No person . . . shall be compelled in any criminal case to be a witness against himself . . ." It not only protects an individual at his criminal trial, but "it can be asserted in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory, in which the witness reasonably believes that the

information sought, or discoverable as a result of his testimony, could be used in a subsequent state or federal criminal proceeding," *United States v. Balsys*, 118 S.Ct. 2218, 2222 (1998).

The privilege extends only to those cases of (1) compelled, *United States v. Doe*, 465 U.S. 605, 612 (1981), (2) incriminating, *Marchetti v. United States*, 390 U.S. 39, 53 (1968), and (3) testimonial communications, *Doe v. United States*, 487 U.S. 201, 210 (1988).

The privilege is a personal one; it may not be claimed on behalf of a corporation or any legal entity other than a human being, *Bellis v. United States*, 417 U.S. 85, 90 (1974). Moreover, "a custodian may not resist a subpoena for corporate records on Fifth Amendment grounds" even if the records incriminate the custodian, *Braswell v. United States*, 487 U.S. 99, 113 (1988).

As a general rule, individuals may not assert the privilege with respect to their voluntarily prepared papers or documents, *United States v. Doe*, 465 U.S. at 612. The Fifth Amendment may be available to the holder of corporate or voluntarily prepared papers or documents under the act of production doctrine, however, to the extent that the act of supplying them would constitute an incriminating testimonial communication — due not to the contents of the subpoenaed papers, but as a consequence of an individual's conceding their existence, confirming their identity, admitting to possession or control of them, or acknowledging their authenticity in response to the subpoena, *United States v. Hubbell*, 167 F.3d 552, 567-68 (D.C.Cir. 1999).

The privilege may be supplanted, in whole or in part, by a grant of immunity, *Kastigar v. United States*, 406 U.S. 441, 462 (1972), or it may be lost, in whole or in part, by a voluntary disclosure, *Minnesota v. Murphy*, 465 U.S. 420, 427-28 (1984). If a witness "desire[s] the protection of the privilege . . . , she [is] required to claim it," for "[t]he privilege is deemed waived unless invoked," *Rogers v. United States*, 340 U.S. 367, 370-71 (1950).

This having been said, the courts have also shown an occasional willingness to soften the impact of the general waiver principle, particularly under circumstances where there is some question whether the individual was aware of the right to claim the privilege and of the consequences of the failure to do so. The *Miranda* warnings required before the privilege can be waived in the case of custodial interrogations are one example, *Miranda v. Arizona*, 384 U.S. 436 (1966). Another is the case law as to when an earlier disclosure bars a witness from subsequently reclaiming the privilege with respect to the same matter.

It is usually agreed, as the Supreme Court noted in dicta only a few weeks ago, that "a witness, in a single proceeding, may not testify voluntarily about a subject and then invoke the privilege against self-incrimination when questioned about the details. The privilege is waived for the matters to which the witness testifies, and the scope of the waiver is determined by the scope of relevant cross-examination," *Mitchell v. United States*, 119 S.Ct. 1307, 1311-312 (1999)

(emphasis added and internal citations omitted). There is a split of authority over whether the same rule applies to *subsequent proceedings*.

The courts in some federal circuits have concluded that "a waiver of the privilege in one proceeding does not affect the rights of a witness or the accused in another independent proceeding," *United States v. Balsys*, 119 F.3d 122, 139 (2d Cir. 1997), *rev'd on other grounds*, 524 U.S. 666 (1998). The D.C. Circuit Court of Appeals has refused to accept this statement of the "general rule," *Ellis v. United States*, 416 F.2d 791, 800 (D.C.Cir. 1969);¹ *United States v. Miller*, 904 F.2d 65, 67 (D.C.Cir. 1990);² *United States v. Perkins*, 138 F.3d 421 (D.C.Cir. 1998).³

Ellis, the first D.C. case, involved a witness, who having testified before the grand jury, sought to reclaim his privilege at trial. Judge Leventhal, writing for the court, noted that under other circumstances "[w]hen prosecution is barred for some reason, no privilege exists," because "the witness's disclosure cannot prejudice him since he is no longer subject to prosecution," 416 F.d at 800-801. "Once a witness has voluntarily spoken out, we do not see how his protected interest is jeopardized by testifying in a subsequent proceeding, provided he is not required to disclose matters of substance which are unknown to the Government," 416 F.2d at 801. The contrary rule, recognized in some of the other circuits, "protects chiefly the person accused of crime, and gives very little protection to the witness," *id.* Judge Leventhal would permit a witness's waiver to follow him to subsequent proceedings "unless there is new material, or possibly new conditions, that may give rise to further incrimination" or unless the waiver occurs under informal circumstances where the witness might be unaware of the consequences of disclosure, 416 F.2d at 805.

Miller seems to dispel any illusion that *Ellis* is limited to cases where the accused would otherwise enjoy an undeserved windfall. *Miller* involved a nondefendant grand jury witness who became silent at trial, but unlike *Ellis* the waiver's expiration would redound to the benefit of the government because the witness's grand jury testimony favored the defense. *Miller* declined to repudiate *Ellis* nonetheless, 904 F.2d at 67.

¹ "While the prevailing rule is that a waiver of Fifth Amendment privilege at one proceeding does not carry through to another proceeding, there appears to be no controlling authority in this circuit. We think that rule unsound, at least for the circumstances before us, and decline to adopt it."

² "The government suggests that *Ellis* is out of step with other circuits that treat the trial as a wholly separate proceeding from the grand jury stage, and, therefore, the case might not be followed. But we recognized that ours was a minority view at the time of the *Ellis* decision and it is still the controlling law of this circuit."

³ Construing *Ellis* and applying it outside of the grand jury/trial context.

Miller and *Ellis* might easily have been understood to stand for no more than a grand jury/trial court exception to the rule followed in the other circuits (*i.e.*, a waiver is only binding in the proceeding in which it occurs). *Ellis* was the product of splintered panel with one member dissenting and a second concurring and dissenting in part. And the concurrence was limited: "I agree with so much of Judge Leventhal's statement of our holding on this aspect as reads: 'We hold that where a non-indicted witness has waived his Fifth Amendment privilege by testifying before a grand jury voluntarily and with knowledge of his privilege, his waiver extends to a subsequent trial based on an indictment returned by the grand jury that heard his testimony,'" 416 F.2d at 806 n.1 (Danaher, J. concurring in part and dissenting in part). *Miller* cited *Ellis* for the same limited holding that Judge Danaher endorsed, 904 F.2d at 67.

Perkins, however, makes it clear that *Ellis* stands for more than the proposition that a grand jury witness's Fifth Amendment waiver follows him into the subsequent trial. The *Perkins* court was faced with a case in which a prosecution witness, Hartwell, recanted his trial testimony in a letter submitted to the court but then invoked his Fifth Amendment privilege at the hearing on the defendants' new trial motion. *Perkins* used the elements of Judge Leventhal's analysis to determine whether the trial witness's testimony or later letter of recantation constituted a waiver for purposes of the post-conviction proceedings. The trial testimony constituted no waiver for purposes of the conflicting, proffered post-conviction hearing testimony because the latter would expose the witness to a new threat of self-incrimination, *i.e.*, evidence that his trial testimony was perjurious, 138 F.3d at 424-25 (citations of the court abbreviated):

Next, the appellants assert that Hartwell waived his Fifth Amendment privilege by testifying at trial and by writing the letter. We agree with the district court that there was no waiver.

In support of waiver the appellants rely on *Rogers v. United States*, 340 U.S. 367 (1951), and, in particular, on the statement therein that "[i]f the witness himself elects to waive his privilege, as he may doubtless do, since the privilege is for his protection and not for that of other parties, and discloses his criminal connections, he is not permitted to stop, but must go on and make a full disclosure." 340 U.S. at 373. Construing *Rogers* we have held that "where a non-indicted witness has waived his Fifth Amendment privilege by testifying before a grand jury voluntarily and with knowledge of his privilege, his waiver extends to a subsequent trial based on an indictment returned by the grand jury that heard his testimony." *Ellis v. United States*, 416 F.2d 791, 805 (D.C.Cir.1969). At the same time, however, we cautioned that "[t]he privilege of course remains as to matters that would subject the witness to a 'real danger' of further crimination." *Id.* at 802. Because Hartwell never disclosed at trial that the testimony he was offering might be false, any post-trial testimony indicating that it was—even a simple acknowledgment that he wrote the recantation letter—posed "a 'real danger' of further crimination." His trial testimony therefore cannot be construed as a waiver of the privilege he later invoked.

The standards used to determine if an initial disclosure qualifies as a waiver for purposes of *Ellis-Miller-Perkins* are bit more difficult to discern. *Perkins* cites and quotes portions of *Ellis* to emphasize their differences but leaves the line between the two imprecise, 138 F.3d at 424-25 (citations of the court abbreviated; footnote 3 of the court's opinion annexed in place; footnote 37 and accompanying text from *Ellis* quoted in the margin):

Finally, we conclude the recantation letter was not a waiver of Hartwell's Fifth Amendment privilege. The appellants contend that the letter waived Hartwell's privilege against testifying about the truthfulness of his trial testimony just as the grand jury testimony in *Ellis* was found to have waived a witness's privilege as to its subject-matter. In *Ellis*, however, the court emphasized the importance to its holding of the "credibility and reliability" that necessarily attaches to grand jury testimony. 416 F.2d at 805 n. 37.^{1*} No such authority supports the contents of the recantation letter, which the district judge accurately characterized as "an undated, unsworn hearsay statement which has not been authenticated" and "wholly lacking in credibility". Accordingly, we cannot accept the letter as a waiver.³

³ Nor does the record show, as it did in *Ellis*, that Hartwell intended a knowing and voluntary waiver of privilege. See 416 F.2d at 806 (noting that defendant "expressly stated to the grand jury that he had consulted a lawyer prior to going before the grand jury; that he wished to cooperate with the Government though he understood he did not have to; that this cooperation was voluntary, and that he knew anything he said could be used against him").

^{1*} "[W]e hold that a witness's voluntary testimony before a grand jury is a waiver for purposes of trial. This still leaves room for consideration of whether under the facts of any particular case the witness's pre-trial statement constitutes a waiver."³⁷

³⁷ There is, of course, an important distinction between prior sworn testimony at a formal proceeding, for example a grand jury hearing, and statements volunteered during an informal investigation or properly supervised custodial situation. We deal with a question of substantially increased credibility and reliability. Thus we do not hold that waiver takes place when a witness, who has made disclosures to investigating agents is called at trial, or before the grand jury. . . . [W]e feel that a statement made to investigators, as opposed to that at a formally constituted tribunal, has less impact even in legal significance if introduced at a subsequent trial of the witness. Thus, the witness may suffer real detriment if he is held to his informal waiver," *United States v. Ellis*, 416 F.2d at 805 (with n.37 indented and annexed in place).

Under these principles of law, the witness's Fifth Amendment privilege would appear to be no impediment to enforcement of a Committee subpoena duces tecum for the documents it previously sought. A witness may refuse to comply with a subpoena duces tecum for voluntarily prepared documents in his possession or control on the basis of his Fifth Amendment privilege only to the extent that the act of production doctrine permits, *United States v. Doe*, 465 U.S. 605, 612 (1984); *United States v. Hubbell*, 167 F.3d 552, 567-68 (D.C.Cir. 1999).

The witness here, by letter from its attorney dated May 7, 1999, has indicated that neither he, his attorney, nor the Department of Justice believe that production would incriminate him, *i.e.*, the witness has been "interviewed on three separate occasions by attorneys for the Campaign Finance Task Force [of the Department of Justice] and FBI agents on a wide variety of issues" and he has "cooperated fully, without any restrictions or promises of immunity, and responded without limitation to requests for documents" in the Justice Department's "thorough and impartial investigation that has found no evidence of wrongdoing" on the part of the witness. Unless production is incriminating the act of production doctrine provides no shield from compelled production. If production is incriminating, the impediment can be removed by immunizing the witness from any incriminating consequences of the act of production, 18 U.S.C. 6005.

Immunization is unnecessary, where as here the privilege appears to have been waived under *Ellis-Miller-Perkins*. No basis has been offered for claiming the exception available should compliance with the Committee subpoena "pose a real danger of further crimination" beyond that to which the witness was exposed when he "cooperated fully, without any restrictions or promises of immunity, and responded without limitation to requests for documents" in the Justice Department's "thorough and impartial investigation."

Whether the witness's disclosures to the Department of Justice occurred under circumstances of sufficient formality to evidence a qualifying waiver is an only slightly closer question. The letter's description of the witness's disclosures to the Justice Department Task Force attorneys and FBI agents seems akin to the formal trappings of a grand jury appearance described as indicative of a qualifying, informed waiver in *Ellis and Perkins* ("defendant 'expressly stated to the grand jury that he had consulted a lawyer prior to going before the grand jury; that he wished to cooperate with the Government though he understood he did not have to; that this cooperation was voluntary, and that he knew anything he said could be used against him'"), 416 F.2d at 806; 138 F.3d at 425 n.3.

The witness's description stands in marked contrast to *Perkins'* suspect recantation letter, 138 F.3d at 425, or to *Ellis'* informal conversations with police officers, 416 F.2d at 805.

In summary, although the law may be to the contrary elsewhere, the courts here in the District of Columbia would likely conclude that the witness has

waived any otherwise available Fifth Amendment privilege and may not reassert it in response to the Committee's subpoena.



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Mr. BURTON. It is important to note that it is the committee which must decide whether the privilege has been validly claimed. A witness cannot claim the privilege against self-incrimination just to avoid testifying or because you do not like the forum or Members of Congress. Instead you must have a real basis for fearing self-incrimination. Again, I think it's important for the record and for us to assess whether your claim is a valid claim.

Are you refusing to answer questions on the grounds that your statements may lead to self-incrimination?

Mr. MIDDLETON. I understand I have a legally valid claim of the fifth amendment privilege, sir.

Mr. WAXMAN. Mr. Chairman.

Mr. BURTON. Your answer is in the affirmative?

Mr. MIDDLETON. My answer was the answer, sir.

Mr. BURTON. Is it your position that you will not answer questions on the same topics that you addressed with the Justice Department?

Mr. MIDDLETON. Same answer, sir.

Mr. BURTON. You will not answer the questions for the committee?

Mr. MIDDLETON. That is correct, sir.

Mr. BURTON. These questions that were put to you by the Justice Department and those that we may be asking which are in the same vein, you will not answer?

Mr. MIDDLETON. That's correct, sir.

Mr. WAXMAN. Mr. Chairman.

Mr. BURTON. I will reserve the rest of my time until after this vote. We have a vote on the floor, as I understand it. We will stand in recess to the call of the gavel.

[Recess.]

Mr. BURTON. Mr. Middleton, would you come back. Mr. Waxman is not here. We have waited for him, and I assume he'll be back pretty quickly, but we thought we'd go ahead with the questioning. I am going to yield for whatever time he may consume to Mr. Barr, who's on my time. Mr. Barr.

Mr. BARR. Thank you, Mr. Chairman.

Mr. Middleton, are you an attorney?

Mr. MIDDLETON. On advice of counsel, I respectfully assert my fifth amendment privilege, sir.

Mr. BARR. Are you a member of the Arkansas Bar Association?

Mr. MIDDLETON. Same answer, sir.

Mr. BARR. Are you saying that you believe simply admitting that you're an attorney will tend to incriminate you? I've heard a lot of jokes about lawyers. You're serious? In all seriousness, you won't even admit to this committee whether or not you're a lawyer?

Mr. MIDDLETON. Same answer, sir.

Mr. BARR. Your attorney, though, has written extensively to the committee, both to counsel for the committee and to the chairman and perhaps others, detailing, for example, in a letter dated May 7 of this year and extolling your tremendous cooperation with the Department of Justice, at which time you not only did not claim the fifth amendment privilege that you are asserting today, but that you answered questions and cooperated fully without any restrictions. Your lawyer goes on in that same letter to characterize

the results of the Department of Justice investigation which would be the prosecuting authority, if you, in fact, had done anything wrong, that would be prosecuted, saying that they found no evidence of wrongdoing by you.

In light of those facts, what is it that you're worried about if the Department of Justice, that your lawyer thinks has already determined that you have done nothing wrong, they would be the prosecuting authority, what is it that you're worried about that causes you to assert the fifth amendment today when you haven't asserted it previously? This committee can't prosecute you.

Mr. MIDDLETON. Sir, I respectfully give you the same answer.

Mr. BARR. I have a chart that I'd like put up and to which I direct your attention, Mr. Middleton.

Ng Lap Seng, does that name ring a bell with you?

Mr. MIDDLETON. Same answer, sir.

Mr. BARR. Have you ever met Mr. Ng Lap Seng?

Mr. MIDDLETON. I respectfully give the same answer, sir.

Mr. BARR. The committee, during the course of its investigation in these matters, has uncovered in detailed evidence substantial cash moneys brought into this country from China by Ng Lap Seng. Just by way of example, on June 20, 1994, he brought in \$175,000, and, by the way, these figures are verified by the reports that have to be completed when a person brings a certain amount of cash into the country. On July 31, 1994, \$42,000 was brought in. On October 19, 1994, \$25,000 was brought in. On February 15, 1995, \$12,000 was brought in, and so forth.

The committee has also uncovered both through testimony and through official records of the White House that Mr. Ng Lap Seng met with you at the White House 2 days after bringing \$175,000 of cash into this country on June 20, 1994; is that correct?

Mr. MIDDLETON. Same answer, sir.

Mr. BARR. The committee also has evidence through various sources, including official White House records, that Mr. Ng Lap Seng met twice with you at the White House, 1 and 2 days later, after bringing \$42,000 of cash into this country on July 1, 1994. Is that correct?

Mr. MIDDLETON. I respectfully give the same answer, sir.

Mr. BARR. This committee has uncovered evidence, including official White House records, that 1 day after Mr. Ng Lap Seng brought \$25,000 of cash into this country on October 19, 1994, that he met with you at the White House. Is that correct?

Mr. MIDDLETON. Same answer, sir.

Mr. BARR. This committee has uncovered evidence, including official White House records, that 1 day after Mr. Ng Lap Seng brought \$12,000 in cash into this country on February 15, 1995, that he met with you at the White House. Is that correct?

Mr. MIDDLETON. Sir, with respect to all these questions, I'm going to provide you with the same answer.

Mr. BARR. Are the White House records reflecting that you, in fact, have met on those and other occasions with Mr. Ng Lap Seng at the White House in error?

Mr. MIDDLETON. Same answer, sir.

Mr. BARR. Were these questions put to you by attorneys for the Government?

Mr. MIDDLETON. I respectfully give the same answer, sir.

Mr. BARR. You did, in fact, answer questions to this effect when questions on these matters were put to you by the Government without asserting a privilege; did you not?

Mr. MIDDLETON. Same answer, sir.

Mr. BARR. I would like to refer again to something that the chairman referred to, and these—although his words were similar, these are the words of a prominent Democrat on this committee, Mr. Lantos, back in 1989. He said, “The fifth amendment privilege relates to one item and one item only, and that is the fear of potential self-incrimination. No witness is entitled to claim the fifth amendment because he may not approve of statements made by members of the subcommittee.” I think it is important for you, and he’s addressing the witness in that case, to understand this, and he was addressing it to the lawyer, and as a lawyer, I’m certain that you do.

Do you understand that the fifth amendment privilege which you are now asserting is a personal privilege and must relate, if it is to be sustained, only to the potential for self-incrimination, and it cannot be a valid basis on which to refuse to answer questions put to you by a legitimate and duly authorized committee of the Congress simply because you, as your lawyer has indicated, don’t like the way this committee may operate, you may disagree with what this committee is doing, or you may be afraid that it might embarrass you or result in so-called leaks? Do you understand that as being the scope of the fifth amendment?

Mr. MIDDLETON. My lawyer has advised me on the scope of the fifth amendment privilege, and if you have any further questions, I would ask that you—that I defer to him.

Mr. BARR. You can defer to him, but he is not a witness today. You are. Do you understand the scope of the fifth amendment that you are asserting?

Mr. MIDDLETON. Same answer, sir. I assert my fifth amendment privilege.

Mr. BARR. You think that even admitting that you understand the scope of the fifth amendment might tend to incriminate you?

Mr. MIDDLETON. I assert my fifth amendment privilege, sir.

Mr. BARR. This is ludicrous, Mr. Middleton. Are you a bag man for Ng Lap Seng or any other foreign individual?

Mr. MIDDLETON. Sir, I resent the question, and I continue to assert my fifth amendment privilege.

Mr. BARR. So you’ll answer that. That’s all. I yield back, Mr. Chairman.

Mr. BURTON. The Chair will yield such time as he may consume to the gentleman from Arkansas, Mr. Hutchison.

Mr. HUTCHINSON. I thank the chairman for yielding, and I just want to make a few comments, Mr. Chairman.

Mr. Middleton, I just want to say at a personal level, I regret the circumstances of your appearance today, and I remember the last time that we had an occasion to be together was where we were both speaking at the Hugh O’Brien Youth Scholarship dinner, and this is certainly not the same pleasant circumstances. I just want to say that your statements today are problematic for any Member of Congress who takes his or her constitutional responsibility seri-

ously, and I do, because as I look at your statements through your lawyer on the May 7, 1999, letter, you indicate that you are cooperating with the Department of Justice. But because, and I'm characterizing, you do not believe this committee is operating in good faith or you don't like the personality of this committee, that you do not wish to cooperate with this committee. And that's a conclusion that you reach. Then through your attorney, you state in the record that you have cooperated fully with the Department of Justice and that they have exonerated you.

This committee can call the Department of Justice and ask them to bring us up to date on Mark Middleton, and they will say, well, it's a matter of ongoing investigation so they can't certainly give us the information that is helpful in our inquiry.

The other reason it's very difficult for us is that this is an important area of inquiry to determine what happened in the 1996 election: the flow of money coming into our country, any influence that was sought or obtained, and the allegations that were made. So this is just a difficult circumstance that you through your assertion of the fifth amendment have placed this committee in.

I realize you have a constitutional right to assert that, but whenever—I have to rely upon my background somewhat here. You waived it in cooperation of the Department of Justice, but assert it in reference to this committee based upon your own subjective determination that you don't like the direction of this committee. That is really laying down the gauntlet to the U.S. Congress, and so I think that your assertion really has challenged the integrity, responsibility, and constitutional authority of this committee. And I'm speaking of the assertions made through your attorney in the letter of May 7, 1999.

It looks to me like you leave us with few options. We can ignore this, which appears to me you set a precedent that future witnesses come in and just say, we don't like this committee, so we're not going to cooperate, and we're not going to honor a subpoena. Second, we could hold you in contempt, which is not something any Congress takes lightly. It's a very serious step, but that is an option that is out there. And whenever we're dealing with an important area, it's just very different, and I'm just relating to you, Mr. Middleton, my feelings as an Arkansan, but also as a Member of Congress who takes the responsibility of this committee and believe that our oversight responsibility is important. I know it's very difficult on you personally, but if you do believe, as indicated in your attorney's letter, that you can be exonerated in this, then I would encourage you and your attorney to sit down and to cooperate fully with this committee so that we don't have to address this further. We would just simply like to get to the bottom of the inquiry to know what you know, and I think that that would be very helpful. I just give you the opportunity, Mr. Middleton, to respond in any way that you deem appropriate to my comments.

Mr. MIDDLETON. Thank you. I understand and appreciate your position, Congressman.

Mr. HUTCHINSON. Thank you, Mr. Chairman. I yield back.

Mr. BURTON. Mr. Barr, you have one more question?

Mr. BARR. Yes. Thank you, Mr. Chairman.

Mr. Middleton, it's my understanding, even though you won't admit it, that you are an attorney, and as an attorney, do you understand that the fifth amendment, as other amendments to the Constitution, specifically those contained in the Bill of Rights, are not absolute? Do you understand that?

Mr. MIDDLETON. I'm not appearing here as an attorney today, sir. I understand as an American citizen I have a valid constitutional right to assert my fifth amendment privilege, which I've done so.

Mr. BARR. As a citizen do you understand that the fifth amendment is not absolute in its scope?

Mr. MIDDLETON. I'm asserting my privilege, sir.

Mr. BARR. As an attorney or as a citizen?

Mr. MIDDLETON. I'm asserting my privilege, sir.

Mr. BARR. You understand that, for example, in a court proceeding, when a witness asserts his or her fifth amendment rights, and the Government believes that that witness is asserting their fifth amendment rights improperly, they can go before a court and seek sanctions against that person if the court, in fact, determines that the privilege is being asserted improperly or beyond the scope?

Mr. MIDDLETON. Sir, I respectfully assert my privilege.

Mr. BARR. Do you understand that similarly in response to a congressional subpoena, which you are under, that there can be a further test of whether you are asserting your fifth amendment properly or not, and that if you are not, and Congress so decides, it can seek sanctions against you?

Mr. MIDDLETON. Same answer, sir.

Mr. BARR. Thank you, Mr. Chairman.

Mr. BURTON. Let me, before I conclude with my time, say that it is disappointing that the gentleman from Arkansas, Mr. Middleton, has elected to take the fifth amendment. What is equally or even more disconcerting to me is that he has said he has cooperated with the Justice Department. When we talk to Justice Department lawyers, they tell us they cannot tell us anything about it. The same thing is true of Charlie Trie, John Huang, and a host of others. They are hiding behind rule 6(e) and the grand jury. They are keeping cases open, I believe, just so that this committee cannot get at the truth. They are granting very light sentences to some very important people in this campaign finance scandal. It becomes more and more apparent to me, and I think to the members of this committee and to the American people, that the Justice Department is building not just a stonewall, but a concrete and steel wall against the Congress of the United States getting at the truth.

If Mr. Middleton says that he has cooperated with the Department of Justice, and he will not talk to the Congress of the United States, and the Justice Department will not work with the Congress of the United States, how are the American people ever to have any confidence whatsoever that all the allegations in the campaign finance scandal are not true? We know that \$3 million plus came in from Communist China, from Macau, from Indonesia, from all over the world, and we cannot get the Justice Department to work with us; Janet Reno protecting the President. We cannot get the people who have cooperated, they say, with the Justice Department, to testify before the committee because they are asserting

their fifth amendment privileges. And so the Congress of the United States, which is duly elected by the people, whose duty it is to get into these things and make sure the government operates not only efficiently, but honestly, we cannot do our job.

And I think it is a crying shame. I just wish that the country knew more about this. The media, CBS, ABC, NBC, CNN, they do not report any of this stuff. The only one I have seen this on is Fox news. It is very disconcerting because the American people have a right to know that the truth is being kept from them, not just by the people who may have been involved in this scandal, but by the Justice Department itself. I yield back the balance of my time. Mr. Waxman, you are recognized for 30 minutes.

Excuse me, Mrs. Chenoweth, did you have some questions?

Mrs. CHENOWETH. Yes.

Mr. BURTON. I yield to you the balance of my time.

Mrs. CHENOWETH. Thank you, Mr. Chairman.

Mr. Middleton, are you asserting your fifth amendment rights as a private citizen or as an attorney?

Mr. MIDDLETON. As an American citizen.

Mrs. CHENOWETH. Through your attorneys, and everyone has asked you about this, Mr. Middleton, you've told the committee that you've answered the questions put to you by the Justice Department. As you can imagine, as you can tell from the questions being posed to you, this is very puzzling and contradictory in this course of action that you've chosen to take. By invoking your fifth amendment privilege here, Mr. Middleton, you're asserting that testifying before this committee would be self-incriminating, and yet you expect us to believe that you have cooperated fully with the Justice Department investigation with no apparent fear of self-incrimination.

I want to ask you, did they agree not—did the Justice Department agree not to question you with any questions that might incriminate you?

Mr. MIDDLETON. I'm not going to discuss the subject matter, ma'am.

Mrs. CHENOWETH. You're not going to discuss the subject matter?

Mr. MIDDLETON. No, ma'am. I assert my privilege.

Mrs. CHENOWETH. Mr. Chairman, this is astounding, and I think that the comments from Congressman Hutchinson were very serious as well as the comments from you, Mr. Chairman, as well as Mr. Barr. I don't think this committee can take this lightly. We have had 122 people assert their fifth amendment rights and refuse to answer questions with regards to clear statutory mandates regarding foreign contributions. It seems this whole administration is circling the wagons, diving into the bunkers, and building a wall between themselves and the American people.

This form of Government, this democracy of ours, can only exist if we have openness in Government and openness in campaign. I think this not only says a lot about the witness, but even more about the administration, and more about the Justice Department. I think it's very chilling in what we're seeing, Mr. Chairman, is a secret Government that is becoming patently obvious. That is very, very concerning.

Thank you, and I yield back the balance of my time.

Mr. BURTON. I see my time has expired.

Mr. Waxman.

Mr. WAXMAN. The gentleman who is before us today has been out of the administration for 4½ years. Our form of Government can only function when people respect the Constitution of the United States and people's rights. Every court case on the matter has indicated that it is unethical to harass witnesses by asking them over and over again questions to which they would assert the fifth amendment.

Our committee has now come to a new and offensive level of establishing procedures that are unheard of in the history of the Congress. We have never had a committee of the Congress until last week proceed to ask a witness who took the fifth amendment more than three questions. That took place when Mr. Parish appeared. Today we have subjected Mr. Middleton to a half-hour of continuous questioning and accusations by the Republican members of this committee.

It seems to me that this committee is establishing a new low. We've already documented in our report on the committee's campaign finance investigation that the committee violated and abused its subpoena power, its deposition power, the way it has granted immunity, the way it has handled contempt. It was interesting to see the letter from Mr. Middleton where he said—and it certainly strikes home now in light of what's gone on today—that Mr. Middleton's decision to decline to cooperate with the committee has unfortunately not been a hard one. It has been prompted by a pattern of baseless allegations, burdensome subpoenas, unending harassment of Mr. Middleton and others, and the chairman—in this letter it has been pointed out to the chairman that he himself has accused Mr. Middleton of criminal conduct on numerous occasions without any evidence to support these reckless charges.

This committee has acted recklessly, and if anybody has any doubt about it, just remember that 1 year ago this committee put out documents, transcripts that were doctored that related to conversations by Webb Hubbell. Whatever anyone might say about Webb Hubbell, there's no excuse for what happened to him and how those—

Mr. BARR. Mr. Chairman—

Mr. WAXMAN. Mr. Chairman, it is my time, and I will proceed with my time.

Mr. BARR. Mr. Chairman, I think it's inappropriate for somebody—

Mr. WAXMAN. Regular order, Mr. Chairman. Regular order.

Mr. BARR [continuing]. To impugn the integrity of this committee. Whether he likes it or not, I think it's highly inappropriate—

Mr. WAXMAN. Regular order, Mr. Chairman. Regular order, Mr. Chairman.

Mr. BURTON. The gentleman from California has the time, unless the gentleman from Georgia has a point of order.

Mr. BARR. Point of order, Mr. Chairman.

Mr. BURTON. The gentleman will state his point of order.

Mr. BARR. What is the applicability of the general rule not to impugn the integrity of other Members of the Congress and have

Members' words taken down if they violate that rule? Is that applicable in committee?

Mr. BURTON. The gentleman will suspend one moment, please.

Mr. WAXMAN. Mr. Chairman, I am giving a factual statement. There is no rule that prevents a Member from giving a factual statement.

Mr. BURTON. We will allow you to continue. Just suspend for just a minute.

Mr. WAXMAN. Will the time be stopped?

Mr. BURTON. The time, like my time, will not be taken away from you.

Evidently the statements of the gentleman have not violated the decorum of the committee, and so he, although it may be offensive to me and some other Members, is allowed to continue.

Mr. WAXMAN. Mr. Chairman, we've learned today that it's very hard to offend the decorum of this committee because the decorum of this committee, I think, was violated when this witness was subject to harassment and asked repeated questions over and over again in order to get him to publicly assert his constitutional rights.

The Constitution of the United States grants certain rights. It grants the right to freedom and free speech, not to self-incriminate, and those rights are not subject to being taken away by those who might not approve of what the individual is asserting. And lawyers on this committee particularly should be sensitive, I believe, but all Members ought to be sensitive to the fact that the Constitution is there to protect all of us. Even a majority of the Congress of the United States, even a two-thirds majority of the Congress of the United States, even a unanimous vote of the Congress of the United States may not take away the rights guaranteed under the Constitution to any citizen, because those individual rights are supreme and must be respected. I think what we've seen here today is a lack of respect for Mr. Middleton and, more importantly, for the Constitution and the way the Congress should be proceeding in any investigation.

And as I was saying about the doctored transcripts of Webb Hubbell, had that taken place in any other setting, it would have been tantamount to falsification of evidence, so I can understand the reluctance of this witness to come before us and answer questions in this kind of forum.

Mr. Middleton's lawyer did suggest that if our inquiry was to try to get information, that he would appear before the chairman and the counsel of the committee if his rights were respected not to waive the fifth amendment privilege, and it would not be followed by a public appearance. That strikes me as a reasonable offer, and the reason that offer appears to me to have been rejected is that it was the desire of the committee to have Mr. Middleton here in a public spectacle in order to score political points.

I'm highly offended at the way this committee has acted today. I think it's been improper. It's not surprising in light of the history of the way this committee has conducted its investigation, but I do think that with all of the outrage that I've felt and expressed about the way the committee has acted, we are achieving a new low in the way this committee has handled itself today.

The process by which we've acted today continues to say more about how this committee is willing to violate people's rights and not conduct an investigation that can be taken seriously by the American people or by our colleagues in the Congress.

Mr. Chairman, you earlier had asserted a CRS opinion that argued that Mr. Middleton waived his fifth amendment privilege. I want to put into the record a memo on that very point, because I don't believe Mr. Middleton has waived his fifth amendment privilege by voluntarily agreeing to answer questions by the FBI and the Justice Department.

Mr. BARR. Reserving the right to object.

Mr. WAXMAN. Mr. Chairman—

Mr. BURTON. You reserve your right to object?

Mr. BARR. Simply to inquire of the ranking member if he can identify the source of the document.

Mr. WAXMAN. I am preparing my own memorandum to submit to the committee record, and I'd like to ask the record be open so that I can add that document and any other materials.

Mr. BARR. I withdraw my reservation.

Mr. BURTON. The gentleman withdraws his reservation.

Mr. WAXMAN. I don't think Mr. Middleton has waived his fifth amendment privilege, and I think that anyone who looks at the record of this committee's hearing today would understand why he was reluctant to come in and express his answers to questions and waive his constitutional rights before us.

Now, Mr. Middleton, ordinarily when a committee hearing is held, the first thing that happens is the witness is asked to make comments, present any kind of testimony. You weren't even afforded that right. Immediately you were subjected to questions being thrown at you in eager anticipation that you take the fifth amendment repeatedly.

Let me offer to you at this time, and the time is allotted to me, and I had to wait 30 minutes before I had any time to ask or say anything, do you have anything you want to comment upon on today's proceeding?

Mr. MIDDLETON. No, sir, not at this time, but I do appreciate your offer.

Mr. WAXMAN. Well, Mr. Chairman, I have no questions of the witness. I will put further documents in the record under the unanimous consent agreement that has been reached by the committee, and I see no reason to prolong this unpleasant hearing today, so I yield back the balance of my time.

[The information referred to follows:]

**Improper Repeated Questioning of Witnesses
Who Have Invoked the Fifth Amendment**

I. Ethics rules and opinions hold that it is improper to make witnesses repeatedly assert their Fifth Amendment rights.

- The Legal Ethics Committee of the District of Columbia Bar has held that it is unethical for a congressional staff attorney to require a witness to claim a Fifth Amendment privilege in public session. Opinion No. 31 (March 29, 1977). This opinion states that when “it is known in advance that no information will be obtained and the sole effect of the summons will be to pillory the witness,” requiring the appearance of the witness to assert his Fifth Amendment privilege in public before a Congressional Committee will violate legal and ethical standards, including the obligation of lawyers to “avoid the infliction of needless harm,” to refrain from using their position “to harass parties,” and to avoid asking questions of a witness “solely for the purpose of harassing or embarrassing him.”
- The American Bar Association Guidelines Regarding the Rights of Witnesses in Congressional Investigations support this view. Guideline 2 states: “A witness shall not be compelled to exercise his or her Fifth Amendment privilege against self-incrimination in a public proceeding where the witness has provided notice to the committee.”

II. Judicial cases further support the principle that it is improper to repeatedly question a witness who has invoked his or her privilege against self-incrimination.

- The Fifth Amendment is a constitutional right. When a person asserts this right, it may not be used as an inference of guilt or innocence. “In our view, an interrogating official himself gravely abuses the privilege against self-incrimination when . . . he nevertheless insists on asking the incriminating question with a view to eliciting a claim of privilege and thereby creating prejudice against the witness or some other party concerned.” See, e.g., United States v. Tucker, 267 F.2d 212, 215 (1959).
- Similarly, in United States v. Coppola, 479 F.2d 1153, 1159 (1973), the Tenth Circuit Court of Appeals held that “continued questioning of the witness with knowledge that he was going to invoke the Fifth Amendment was improper.”
- The court further held that, although the government may provide witnesses an opportunity to answer, it may not “ask various and sundry questions which are certain to produce a claim of privilege and to give rise to an atmosphere of guilt.” United States v. Coppola, 479 F.2d 1153, 1159 (1973).
- Similarly, in a recent 1999 decision, a Court of Appeals held: “Misconduct may yet arise if the prosecution continues to question a witness once her consistent refusal (legitimate or otherwise) to testify has become apparent.” United States v. Torrez-Ortega, 1999 Westlaw 446008 (10th Cir.(Wyo.)).

III. The Fifth Amendment Applies to Congress as well as Courts.

It is well-settled law that the Bill of Rights and the Fifth Amendment apply to the Congress as well as the courts.

(See, e.g., Watkins v. United States, 354 U.S. 178, 187 (1957) (“The Bill of Rights is applicable to investigations as to all forms of governmental action. Witnesses cannot be compelled to give evidence against themselves.”); Kastigar v. United States, 406 U.S. 441, 444-45 (1972) (The Fifth Amendment “can be asserted in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory; and it protects against any disclosures which the witness reasonably believes could be used in a criminal prosecution or could lead to other evidence that might be so used.”); Watkins v. United States, 354 U.S. 178, 187 (1957) (“Investigations conducted solely for the personal aggrandizement of the investigators or to ‘punish’ those investigated are indefensible.”).)

D.C. Bar

LEGAL ETHICS COMMITTEE OPINIONS

witness' reputation and possibly prejudicial to him in a future criminal trial. On the other hand the inquiring power of a congressional committee is limited to obtaining information in aid of Congress' legislative function. *McGrain v. Daugherty*, 273 U.S. 135 (1927); *Sinclair v. United States*, 279 U.S. 263 (1929). There is no congressional power to expose for the sake of exposure. "Investigations conducted solely for the personal aggrandizement of the investigator or to 'punish' those investigated are indefensible." *Watkins v. United States*, 354 U.S. 178, 187, 200 (1957). See also EC 7-16, which states that "The primary business of a legislative body is to enact laws rather than to adjudicate controversies."

Since the only legitimate function of a congressional investigating committee is to obtain information for the use of Congress in its legislative capacity, the inquiry before us poses the issue whether it is ethical to summon a witness when it is known in advance that no information will be obtained and the sole effect of the summons will be to pillory the witness. In dealing with an analogous situation, the American Bar Association Project on Standards for Criminal Justice stated (par. 5.7(c)) that "It is unprofessional conduct for a prosecutor to call a witness who he knows will claim a valid privilege not to testify, for the purpose of impressing upon the jury the fact of the claim of privilege."¹¹ The courts have held that summoning a witness in such circumstances constitutes prosecutorial misconduct that may require a reversal of a criminal conviction. *United States v. Coppola*, 479 F.2d 1153 (10th Cir. 1973); *San Fratello v. United States*, 340 F.2d 560 (5th Cir. 1965); *United States v. Tucker*, 267 F.2d 212, 215, (3rd Cir. 1959). And in the case of a grand jury, the American Bar Standards provide (par. 3.6(e)) that "The prosecutor should not compel the appearance of a witness before the grand jury whose activities are the subject of the inquiry if the witness states in advance that if called he will exercise his constitutional privilege not to testify, unless the prosecutor intends to seek a grant of immunity according to the law."¹²

We see no reason in principle why this standard should not govern the conduct of an attorney acting for a congressional committee. Insofar as the attorney has some question whether the witness will in fact claim his privilege if called, this question can be resolved by calling the witness in an

executive session. There is certainly no to have the test of claim of privilege place in a televised open hearing with resultant inevitable prejudicial publicity to the witness. Cf. *San Fratello v. U.S.*, *supra* at 565, where the court states that, if the government insisted in a criminal trial that the claim of privilege be made the witness stand under oath, this should be done out of the presence of the jury.

Although it appears clear that the conduct described in the inquiry is improper, our jurisdiction is confined to rendering opinion on the applicability of the Code of Professional Responsibility to the conduct in question. Not surprisingly, the Code is directed to the conduct of attorneys in its usual manifestations and is not specifically oriented to the conduct of attorneys acting as counsel for congressional committees. Nonetheless, in our view, the conduct described here appears to be in conflict with at the least the spirit of one Disciplinary Rule and the guidance of several Ethical Considerations. DR 7-106(C)(2) dealing with a lawyer's trial conduct provides: "In appearing in his professional capacity before a tribunal, a lawyer shall not . . . [a]sk any question that has no reasonable basis to believe is relevant to the case and that is intended to degrade the witness . . ." Although, arguably, a congressional committee is not a "tribunal," we believe that the principle that an attorney should not ask a witness questions that "intended to degrade" him is applicable here. DR 7-106(C)(2) prohibits only questions that the lawyer has no reasonable basis to believe are relevant and that are "intended to degrade" as well. When the lawyer knows in advance that he will not receive an answer to his question because of a claim of constitutional privilege, we believe that the question is fairly characterized as irrelevant to the case and such irrelevance is to the jury's knowledge.

Further, we believe that the conduct conflicts with the following ethical considerations: EC 7-10 ("The duty of a lawyer to represent his client with zeal does not tolerate against his concurrent obligations to treat with consideration all persons involved in the legal process and to avoid the infliction of needless harm"); EC 7-14 ("A government lawyer . . . should not use his position . . . to harass parties"); and EC 7-15 ("[A] lawyer should not ask a witness question solely for the purpose of harassing or embarrassing him").

March 29, 1977
Inq. No. 21

¹¹The conduct might also be taken to violate DR 7-102(A)(5), which provides that a lawyer not "[e]ngage in conduct that is prejudicial to the administration of justice." The Judicial Ethics Committee (*supra* note 1) expressed this view at p. 56 of its report. However, a major premise of this Committee is of the view that the language of this standard is too vague to permit its application as a disciplinary rule.

Opinion No. 31

DR 7-106(C)(2); EC 7-10, 7-14, 7-25 — Lawyer for Congressional Committee—Summoning Witness Who It Is Known Will Decline To Answer Any Questions on a Claim of Privilege

We have been asked to advise whether it is proper for a congressional committee whose chairman, staff and several members are attorneys to require a witness who is a "target" of a pending grand jury investigation to appear at televised hearings to be questioned when the committee has been notified in advance that the witness will exercise his constitutional privilege not to answer any questions. At the outset, we note that whatever follows applies only to staff attorneys acting in their capacities as attorneys. It is not within our province to pass upon the propriety of conduct by congressmen, who may or may not be lawyers, but are acting in any event as congressmen.

It is not *per se* improper for an attorney acting as counsel for a congressional committee to cause a witness to be summoned in furtherance of a legitimate legislative function of Congress, even though the resultant attending publicity will be damaging to the

¹²A committee of the District of Columbia Judicial Conference in a report entitled *Comparative Analysis of American Bar Association Standards for Criminal Justice with District of Columbia Law, Rules and Legal Practice* (September 1973) commented (pp. 55-56) that the District of Columbia is in accord with this Standard.

¹³The Report cited *supra*, fn. 1, stated (pp. 42-43) that the Committee was divided regarding the applicability of this standard in the District of Columbia.

Approved as ABA policy by the ABA House of Delegates, August 1988

AMERICAN BAR ASSOCIATION
CRIMINAL JUSTICE SECTION

REPORT TO THE HOUSE OF DELEGATES

RECOMMENDATION

BE IT RESOLVED, that The American Bar Association approves of the following Guidelines Regarding the Rights of Witnesses in Congressional Investigations: 1
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Guideline 1 4

All witnesses required to appear before Congressional Committees shall be entitled to be represented by and to have the effective assistance of counsel of their choice. 5
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Guideline 2 9

Witnesses in Congressional proceedings shall have the privileges in connection with their appearance which are recognized by the courts of the United States in Administrative and Judicial Proceedings, including the fifth amendment privilege against self-incrimination, and the attorney-client, work product and spousal privileges. A witness shall not be compelled to exercise his or her fifth amendment privilege against self-incrimination in a public proceeding where the witness has provided notice to the committee. 10
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Guideline 3

In acting with due regard for the rights and reputations of uncharged persons, members of Congress: should afford reasonable notice to subpoenaed witnesses; should ensure witnesses a reasonable opportunity to review records and documents obtained from them which the witness needs to refresh his recollection and to prepare testimony; should provide witnesses reasonably in advance of their testimony with copies of their prior testimony taken in deposition or in executive sessions; should permit witnesses to offer rebutting evidence and explanations in the same proceeding; should avoid the introduction of inflammatory or scandalous material regarding a citizen which is presented at public hearing and which is unsupported in the record by reliable evidence.

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Mr. BURTON. The gentleman yields back the balance of his time. I will take 5 minutes under the 5-minute rule to respond to a couple of things that have been said, and you will have 5 minutes if you choose to use them.

First of all, it is not unprecedented for extended questioning when someone asserts their fifth amendment privilege before a committee. Mr. Lantos—and we will be glad, very happy, to provide to you the record of Mr. Lantos' questioning of witnesses for extended periods of time with the concurrence of the minority, I might add, which is not the case in this particular case. When the gentleman from California states that we are doing something that is a new low, well, if this is a low, then it was established by the Democrats when they were in charge. Mr. Lantos did it and so did Mr. Dingell. I would be glad to give you that information for the record.

With respect to the doctoring of the tapes, which impugns the integrity of the chairman of this committee and the staff of this committee, I want you to know that there were 16 hours of tapes, that we obtained legally, of the conversations that Mr. Hubbell had. Those 16 hours of tapes were condensed not because we were trying to alter the tapes, but because we thought that the most salient issues should be in those transcripts. You will recall that the minute any doctoring was called into question, the very next day we released all 16 hours of the tapes.

Mr. Hubbell said in those tapes that his wife was complaining about the pressure being brought upon her by the White House, and she was afraid of losing her job. Mr. Hubbell said, well, I guess I'll have to roll over one more time. I do not know how you can interpret that, but it can't be interpreted in too many ways. The fact of the matter is, exculpatory material that people alleged that we took out of there was in the tape and was in all of the 16 hours of tapes that we presented.

I know that the media has made some kind of those representations, and you have, Mr. Waxman, but those tapes were not doctored. They were not doctored at all. They were very clear, and because we wanted to eliminate any doubt about the intent of this committee, we released all 16 hours of the tapes. I personally resent the implication that I or my staff did anything to try to doctor those tapes, because they were not doctored.

I would like to also state in conclusion that we would like to have had the cooperation of Mr. Middleton. We tried to get his cooperation as well as the other 122 witnesses who have evaded this committee, many with the help of the Justice Department. We have tried to get them to work with us for 2½ years. Unfortunately that has not been the case. And so no matter what you say about this committee or how you categorize this committee or what kind of spin you put on the activities of this committee, whether it's the worst committee in history or it's a new low, I will tell you one thing, Mr. Waxman, we are not going to be deterred. We will continue to pursue this investigation until we find some answers for the committee, and for the American people who we represent.

Millions of dollars in money came in from Communist China and elsewhere. The head of the Chinese military intelligence arranged for \$300,000 to go through a conduit, in large part, to the DNC,

and we believe probably to the President's re-election committee. People from Macau were giving money. People from other Chinese entities were giving money to the DNC and for the re-election of the President. The President was running people in and out of his office through people like Mr. Middleton on a regular basis, like John Huang and Charlie Trie and Johnny Chung. There is a pictorial record of that. At the same time all this was happening, millions of dollars were coming in.

You may think that it is not an important thing to look into, but if the elections of the United States of America are being influenced or redirected by a foreign Government who may not have our best interest at heart, who may be a potential adversary in the future, by golly I intend, and our committee intends as long as I'm chairman of it, to try to get to the bottom of it.

Does anybody else have anything they would like to add? If not, I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman.

Mr. BURTON. The gentleman from California.

Mr. WAXMAN. It's hard to accept a reasoning that everything that's done in violation of any idea of fairness or respecting people's rights can be justified because the Democrats did the same thing. That's a very childish explanation, and I've heard it over and over again. It doesn't—it just doesn't wash. It's just immature. At what point do people start saying, what is the proper way to behave, and behave that way rather than say, the other guy did it as well. But it's also peculiar if you take that attitude to say that the only campaign finance violations that this committee would look at would be only Democratic—potential Democratic violations and to ignore completely anything the Republicans might have done in the 1996 campaign. But that's what we've seen in this committee, and it has been a repeated reason why none of us have been able to take, among other reasons, this investigation with any seriousness.

But I may be incorrect in my recollection about the Webb Hubbell transcripts. I'll have to go back and look at it more carefully, but as I recall, that when those transcripts of Mr. Hubbell's conversations with his friends and family and even his lawyer was released, the Speaker of the House Newt Gingrich was so offended that he demanded the resignation of a key Republican staff person, and that staff person resigned as a result of the Speaker's request.

I won't go back and forth with you about it, Mr. Chairman. I'll go back and look at the records again and see whether what you did was proper, but I remember talking to some friends who were sitting on the Internet and actually listening to conversations that Webb Hubbell had with his daughter while he was in prison when she tried to talk to him about personal matters as she was growing up as a young girl without a father in the home. I must say I was tremendously offended that all of that information was made available to anybody who wanted to listen to it, and that information should never have been made public and was only made public after the committee released transcripts that were edited to remove any exculpatory materials or information that related to the investigation. What the public had before it were complete audiotapes of conversations that Webb Hubbell had with others, and I just think that, to me, that stands out, I thought, as low as one could

imagine. But it sounds to me after today's hearing that perhaps this committee hasn't reached the bottom yet.

I yield back the balance of my time.

Mr. BARR. Mr. Chairman.

Mr. BURTON. Mr. Barr. If you have any time, would you yield to me?

Mr. BARR. Certainly. I think the American people who may be listening to this cannot let the statements of the ranking member just stand on the record. The absurdity of saying that for the committee Chair to cite precedence of former committee and subcommittee Chairs just after the ranking member has tried to cite as a precedent for the propriety of this witness asserting the fifth amendment or the impropriety of this committee requiring him to so assert it, an opinion, an irrelevant opinion, but an opinion of the DC Bar is somewhat inconsistent. In other words, the ranking member is more than willing to put forward items that he thinks are appropriate precedents, but when the chairman seeks to cite precedents in response to criticisms of the ranking member of prior committee and subcommittee Chair actions, he says, oh, this is highly improper. It just illustrates the inconsistency and the absurdity and the impropriety of the ranking member's statements.

I would also like to state for the record once again, as you have, Mr. Chairman, but in light of the fact that this red herring, this canard keeps coming up every time the ranking member opens his mouth, those tapes were not doctored. That is an absolutely incorrect, inappropriate, and disgraceful assertion to make against the chairman, against the committee staff, or against anybody else. That evidence speaks for itself.

And at this time, Mr. Chairman, I'd be glad to yield to you the balance of my time.

Mr. BURTON. Thank you. We are drawing to a close here. We do not want to beat on this any longer, but just to comment on ignoring Republicans. One thing has become clear in this investigation. The Justice Department has dealt with Republican violations. Republicans got the following fines for conduit contribution violations: \$8 million, \$6 million, \$5 million. Janet Reno has done fine with Republicans, but not with the Democrats and foreign money. Only Mr. Waxman wants to interject this into this hearing.

What we are talking about is illegal foreign contributions, and to my knowledge, we have not had that kind of a problem with a lot of the accusations that have been thrown at Republican campaigns. We have proceeded entirely consistent with previous congressional practice, and I've cited some of those with Chairmen Lantos and Dingell when they were chairmen. I don't think it is in the interest of the Congress to have Members continue to malign the process, as Mr. Waxman does week after week and month after month.

And with that, Mr. Middleton, we appreciate your being here, and we stand adjourned.

[Whereupon, at 12:50 p.m., the committee was adjourned.]

[The exhibits referred to follow:]

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 PATRICK J. ELZVIN
 JILL M. VALENSTEIN

OF COUNSEL
 SHARON L. O'GRADY
 *NOT ADMITTED IN DC

May 7, 1999

VIA FACSIMILE

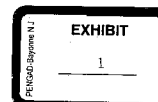
Barbara Comstock, Esq.
 Chief Counsel
 U.S. House of Representatives
 Committee on Government Reform
 and Oversight
 2157 Rayburn House Office Building
 Washington, D.C.

Dear Ms. Comstock:

As counsel for Mark E. Middleton, I am writing to respond to your request of Thursday, May 6, that Mr. Middleton agree to be interviewed by the Committee about the disgraceful and false accusations that the Committee has been leaking to the media over the last several days.

As you know, Mr. Middleton decided nearly two years ago not to cooperate with your Committee's various inquiries. Based upon a pattern of bad faith, persistent leaks to the media, and false and unfounded public statements about him by Chairman Burton, he concluded that the Committee had no interest in an honest, thorough, or fair minded investigation into the matters before it. The events of the past few days, in which the Committee has leaked details about allegations against Mr. Middleton and others before even going through the motions of conducting an impartial investigation, confirms both the accuracy of his perceptions and the wisdom of his choice.

As you also know, at the same time Mr. Middleton declined to cooperate with the Committee, he agreed to cooperate fully with the Department of Justice in its investigation of the same matters. In the spring and summer of 1998, Mr. Middleton was interviewed on three separate occasions by attorneys for the Campaign Finance Task Force and FBI Agents on a wide variety of issues, including the current allegations by Mr. Chung. Mr. Middleton cooperated fully, without any restrictions or promises of immunity, and responded without limitation to requests for documents. The Department of Justice concluded that the allegations that Mr. Middleton ever received any funds from sources in the People's Republic of China were absolutely without foundation.




COMEY BOYD & LUSKIN
A PROFESSIONAL CORPORATION

Barbara Comstock, Esq.
May 7, 1999
Page 2

If you have any interest in the truth of these charges, or any of the other falsehoods about Mr. Middleton that the Committee has circulated over the last two years, I suggest that you approach the Department of Justice, so that you can share the fruits of a thorough and impartial investigation that has found no evidence of wrongdoing by Mr. Middleton.

Yours sincerely,



Robert D. Luskin

cc: Kenneth Ballen, Esq.



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May 18, 1999

TO : House Committee on Government Reform
Attention: David Kass

FROM : American Law Division

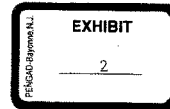
SUBJECT : Whether a Witness Who Has "Cooperated Fully" With a Department of Justice Investigation Has Waived Any Privilege Against Self-Incrimination That Might Have Been Claimed in Response to a Congressional Subpoena Duces Tecum for Documents on a Related Matter.

This is in response to your request for an analysis as to whether a witness may claim a Fifth Amendment privilege against self-incrimination in response to a Congressional committee subpoena duces tecum when he has previously cooperated fully with similar requests from the Department of Justice.

The witness, through a letter from his attorney dated March 24, 1997, refused to provide the subpoenaed documents on the basis of the Fifth Amendment act of production doctrine. In a letter from his attorney to the Committee's Chief Counsel dated May 7, 1999, the witness asserted that while he had "declined to cooperate with the Committee, he agreed to cooperate fully with the Department of Justice in its investigation of the same matters." He further declared that he "was interviewed on three separate occasions by attorneys for the Campaign Finance Task Force [of the Department of Justice] and FBI agents on a wide variety of issues" and that he "cooperated fully, without any restrictions or promises of immunity, and responded without limitation to requests for documents." The letter concludes with the suggestion that the Committee "approach the Department of Justice, so that you can share the fruits of a thorough and impartial investigation that has found no evidence of wrongdoing" on the part of the witness.

Although the law may be to the contrary elsewhere, the courts here in the District of Columbia would likely conclude that the witness has waived his privilege and may not reassert it in response to the Committee's subpoena.

The Fifth Amendment to the United States Constitution provides that "No person . . . shall be compelled in any criminal case to be a witness against himself . . ." It not only protects an individual at his criminal trial, but "it can be asserted in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory, in which the witness reasonably believes that the



information sought, or discoverable as a result of his testimony, could be used in a subsequent state or federal criminal proceeding," *United States v. Balsys*, 118 S.Ct. 2218, 2222 (1998).

The privilege extends only to those cases of (1) compelled, *United States v. Doe*, 465 U.S. 605, 612 (1981), (2) incriminating, *Marchetti v. United States*, 390 U.S. 39, 53 (1968), and (3) testimonial communications, *Doe v. United States*, 487 U.S. 201, 210 (1988).

The privilege is a personal one; it may not be claimed on behalf of a corporation or any legal entity other than a human being, *Bellis v. United States*, 417 U.S. 85, 90 (1974). Moreover, "a custodian may not resist a subpoena for corporate records on Fifth Amendment grounds" even if the records incriminate the custodian, *Braswell v. United States*, 487 U.S. 99, 113 (1988).

As a general rule, individuals may not assert the privilege with respect to their voluntarily prepared papers or documents, *United States v. Doe*, 465 U.S. at 612. The Fifth Amendment may be available to the holder of corporate or voluntarily prepared papers or documents under the act of production doctrine, however, to the extent that the act of supplying them would constitute an incriminating testimonial communication — due not to the contents of the subpoenaed papers, but as a consequence of an individual's conceding their existence, confirming their identity, admitting to possession or control of them, or acknowledging their authenticity in response to the subpoena, *United States v. Hubbell*, 167 F.3d 552, 567-68 (D.C.Cir. 1999).

The privilege may be supplanted, in whole or in part, by a grant of immunity, *Kastigar v. United States*, 406 U.S. 441, 462 (1972), or it may be lost, in whole or in part, by a voluntary disclosure, *Minnesota v. Murphy*, 465 U.S. 420, 427-28 (1984). If a witness "desire[s] the protection of the privilege . . . , she [is] required to claim it," for "[t]he privilege is deemed waived unless invoked," *Rogers v. United States*, 340 U.S. 367, 370-71 (1950).

This having been said, the courts have also shown an occasional willingness to soften the impact of the general waiver principle, particularly under circumstances where there is some question whether the individual was aware of the right to claim the privilege and of the consequences of the failure to do so. The *Miranda* warnings required before the privilege can be waived in the case of custodial interrogations are one example, *Miranda v. Arizona*, 384 U.S. 436 (1966). Another is the case law as to when an earlier disclosure bars a witness from subsequently reclaiming the privilege with respect to the same matter.

It is usually agreed, as the Supreme Court noted in dicta only a few weeks ago, that "a witness, in a single proceeding, may not testify voluntarily about a subject and then invoke the privilege against self-incrimination when questioned about the details. The privilege is waived for the matters to which the witness testifies, and the scope of the waiver is determined by the scope of relevant cross-examination," *Mitchell v. United States*, 119 S.Ct. 1307, 1311-312 (1999)

(emphasis added and internal citations omitted). There is a split of authority over whether the same rule applies to *subsequent proceedings*.

The courts in some federal circuits have concluded that "a waiver of the privilege in one proceeding does not affect the rights of a witness or the accused in another independent proceeding," *United States v. Balsys*, 119 F.3d 122, 139 (2d Cir. 1997), *rev'd on other grounds*, 524 U.S. 666 (1998). The D.C. Circuit Court of Appeals has refused to accept this statement of the "general rule," *Ellis v. United States*, 416 F.2d 791, 800 (D.C.Cir. 1969);¹ *United States v. Miller*, 904 F.2d 65, 67 (D.C.Cir. 1990);² *United States v. Perkins*, 138 F.3d 421 (D.C.Cir. 1998).³

Ellis, the first D.C. case, involved a witness, who having testified before the grand jury, sought to reclaim his privilege at trial. Judge Leventhal, writing for the court, noted that under other circumstances "[w]hen prosecution is barred for some reason, no privilege exists," because "the witness's disclosure cannot prejudice him since he is no longer subject to prosecution," 416 F.d at 800-801. "Once a witness has voluntarily spoken out, we do not see how his protected interest is jeopardized by testifying in a subsequent proceeding, provided he is not required to disclose matters of substance which are unknown to the Government," 416 F.2d at 801. The contrary rule, recognized in some of the other circuits, "protects chiefly the person accused of crime, and gives very little protection to the witness," *id.* Judge Leventhal would permit a witness's waiver to follow him to subsequent proceedings "unless there is new material, or possibly new conditions, that may give rise to further incrimination" or unless the waiver occurs under informal circumstances where the witness might be unaware of the consequences of disclosure, 416 F.2d at 805.

Miller seems to dispel any illusion that *Ellis* is limited to cases where the accused would otherwise enjoy an undeserved windfall. *Miller* involved a nondefendant grand jury witness who became silent at trial, but unlike *Ellis* the waiver's expiration would redound to the benefit of the government because the witness's grand jury testimony favored the defense. *Miller* declined to repudiate *Ellis* nonetheless, 904 F.2d at 67.

¹ "While the prevailing rule is that a waiver of Fifth Amendment privilege at one proceeding does not carry through to another proceeding, there appears to be no controlling authority in this circuit. We think that rule unsound, at least for the circumstances before us, and decline to adopt it."

² "The government suggests that *Ellis* is out of step with other circuits that treat the trial as a wholly separate proceeding from the grand jury stage, and, therefore, the case might not be followed. But we recognized that ours was a minority view at the time of the *Ellis* decision and it is still the controlling law of this circuit."

³ Construing *Ellis* and applying it outside of the grand jury/trial context.

Miller and *Ellis* might easily have been understood to stand for no more than a grand jury/trial court exception to the rule followed in the other circuits (*i.e.*, a waiver is only binding in the proceeding in which it occurs). *Ellis* was the product of splintered panel with one member dissenting and a second concurring and dissenting in part. And the concurrence was limited: "I agree with so much of Judge Leventhal's statement of our holding on this aspect as reads: 'We hold that where a non-indicted witness has waived his Fifth Amendment privilege by testifying before a grand jury voluntarily and with knowledge of his privilege, his waiver extends to a subsequent trial based on an indictment returned by the grand jury that heard his testimony,'" 416 F.2d at 806 n.1 (Danaher, J. concurring in part and dissenting in part). *Miller* cited *Ellis* for the same limited holding that Judge Danaher endorsed, 904 F.2d at 67.

Perkins, however, makes it clear that *Ellis* stands for more than the proposition that a grand jury witness's Fifth Amendment waiver follows him into the subsequent trial. The *Perkins* court was faced with a case in which a prosecution witness, Hartwell, recanted his trial testimony in a letter submitted to the court but then invoked his Fifth Amendment privilege at the hearing on the defendants' new trial motion. *Perkins* used the elements of Judge Leventhal's analysis to determine whether the trial witness's testimony or later letter of recantation constituted a waiver for purposes of the post-conviction proceedings. The trial testimony constituted no waiver for purposes of the conflicting, proffered post-conviction hearing testimony because the latter would expose the witness to a new threat of self-incrimination, *i.e.*, evidence that his trial testimony was perjurious, 138 F.3d at 424-25 (citations of the court abbreviated):

Next, the appellants assert that Hartwell waived his Fifth Amendment privilege by testifying at trial and by writing the letter. We agree with the district court that there was no waiver.

In support of waiver the appellants rely on *Rogers v. United States*, 340 U.S. 367 (1951), and, in particular, on the statement therein that "[i]f the witness himself elects to waive his privilege, as he may doubtless do, since the privilege is for his protection and not for that of other parties, and discloses his criminal connections, he is not permitted to stop, but must go on and make a full disclosure." 340 U.S. at 373. Construing *Rogers* we have held that "where a non-indicted witness has waived his Fifth Amendment privilege by testifying before a grand jury voluntarily and with knowledge of his privilege, his waiver extends to a subsequent trial based on an indictment returned by the grand jury that heard his testimony." *Ellis v. United States*, 416 F.2d 791, 805 (D.C.Cir.1969). At the same time, however, we cautioned that "[t]he privilege of course remains as to matters that would subject the witness to a 'real danger' of further crimination." *Id.* at 802. Because Hartwell never disclosed at trial that the testimony he was offering might be false, any post-trial testimony indicating that it was—even a simple acknowledgment that he wrote the recantation letter—posed "a 'real danger' of further crimination." His trial testimony therefore cannot be construed as a waiver of the privilege he later invoked.

The standards used to determine if an initial disclosure qualifies as a waiver for purposes of *Ellis-Miller-Perkins* are bit more difficult to discern. *Perkins* cites and quotes portions of *Ellis* to emphasize their differences but leaves the line between the two imprecise, 138 F.3d at 424-25 (citations of the court abbreviated; footnote 3 of the court's opinion annexed in place; footnote 37 and accompanying text from *Ellis* quoted in the margin):

Finally, we conclude the recantation letter was not a waiver of Hartwell's Fifth Amendment privilege. The appellants contend that the letter waived Hartwell's privilege against testifying about the truthfulness of his trial testimony just as the grand jury testimony in *Ellis* was found to have waived a witness's privilege as to its subject-matter. In *Ellis*, however, the court emphasized the importance to its holding of the "credibility and reliability" that necessarily attaches to grand jury testimony. 416 F.2d at 805 n. 37.^(*) No such authority supports the contents of the recantation letter, which the district judge accurately characterized as "an undated, unsworn hearsay statement which has not been authenticated" and "wholly lacking in credibility". Accordingly, we cannot accept the letter as a waiver.³

³ Nor does the record show, as it did in *Ellis*, that Hartwell intended a knowing and voluntary waiver of privilege. See 416 F.2d at 806 (noting that defendant "expressly stated to the grand jury that he had consulted a lawyer prior to going before the grand jury; that he wished to cooperate with the Government though he understood he did not have to; that this cooperation was voluntary, and that he knew anything he said could be used against him").

^(*) "[W]e hold that a witness's voluntary testimony before a grand jury is a waiver for purposes of trial. This still leaves room for consideration of whether under the facts of any particular case the witness's pre-trial statement constitutes a waiver.³⁷

³⁷ There is, or course, an important distinction between prior sworn testimony at a formal proceeding, for example a grand jury hearing, and statements volunteered during an informal investigation or properly supervised custodial situation. We deal with a question of substantially increased credibility and reliability. Thus we do not hold that waiver takes place when a witness, who has made disclosures to investigating agents is called at trial, or before the grand jury. . . . [W]e feel that a statement made to investigators, as opposed to that at a formally constituted tribunal, has less impact even in legal significance if introduced at a subsequent trial of the witness. Thus, the witness may suffer real detriment if he is held to his informal waiver," *United States v. Ellis*, 416 F.2d at 805 (with n.37 indented and annexed in place).

Under these principles of law, the witness's Fifth Amendment privilege would appear to be no impediment to enforcement of a Committee subpoena duces tecum for the documents it previously sought. A witness may refuse to comply with a subpoena duces tecum for voluntarily prepared documents in his possession or control on the basis of his Fifth Amendment privilege only to the extent that the act of production doctrine permits, *United States v. Doe*, 465 U.S. 605, 612 (1984); *United States v. Hubbell*, 167 F.3d 552, 567-68 (D.C.Cir. 1999).

The witness here, by letter from its attorney dated May 7, 1999, has indicated that neither he, his attorney, nor the Department of Justice believe that production would incriminate him, *i.e.*, the witness has been "interviewed on three separate occasions by attorneys for the Campaign Finance Task Force [of the Department of Justice] and FBI agents on a wide variety of issues" and he has "cooperated fully, without any restrictions or promises of immunity, and responded without limitation to requests for documents" in the Justice Department's "thorough and impartial investigation that has found no evidence of wrongdoing" on the part of the witness. Unless production is incriminating the act of production doctrine provides no shield from compelled production. If production is incriminating, the impediment can be removed by immunizing the witness from any incriminating consequences of the act of production, 18 U.S.C. 6005.

Immunization is unnecessary, where as here the privilege appears to have been waived under *Ellis-Miller-Perkins*. No basis has been offered for claiming the exception available should compliance with the Committee subpoena "pose a real danger of further crimination" beyond that to which the witness was exposed when he "cooperated fully, without any restrictions or promises of immunity, and responded without limitation to requests for documents" in the Justice Department's "thorough and impartial investigation."

Whether the witness's disclosures to the Department of Justice occurred under circumstances of sufficient formality to evidence a qualifying waiver is an only slightly closer question. The letter's description of the witness's disclosures to the Justice Department Task Force attorneys and FBI agents seems akin to the formal trappings of a grand jury appearance described as indicative of a qualifying, informed waiver in *Ellis and Perkins* ("defendant 'expressly stated to the grand jury that he had consulted a lawyer prior to going before the grand jury; that he wished to cooperate with the Government though he understood he did not have to; that this cooperation was voluntary, and that he knew anything he said could be used against him'"), 416 F.2d at 806; 138 F.3d at 425 n.3.

The witness's description stands in marked contrast to *Perkins*' suspect recantation letter, 138 F.3d at 425, or to *Ellis*' informal conversations with police officers, 416 F.2d at 805.

In summary, although the law may be to the contrary elsewhere, the courts here in the District of Columbia would likely conclude that the witness has

waived any otherwise available Fifth Amendment privilege and may not reassert it in response to the Committee's subpoena.

A handwritten signature in black ink, appearing to read "Charles Doyle". The signature is written in a cursive style with a large, prominent "D" at the end.

Charles Doyle
Senior Specialist
American Public Law
7-6006

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May 20, 1999

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Robert D. Luskin, Esq.
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 1025 Thomas Jefferson Street, N.W.
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Dear Mr. Luskin:

I am responding to your letter of May 7, 1999, in which you stated that Mr. Middleton would continue to refuse to cooperate with the Committee's investigation. As you know, over two years ago, Mr. Middleton invoked his Fifth Amendment rights in response to the Committee's inquiries. However, your letter did indicate that Mr. Middleton had "cooperated" with the Department of Justice's Campaign Financing Task Force ("Task Force") investigation. You stated that Mr. Middleton voluntarily submitted to three separate interviews with prosecutors and FBI agents for the Task Force. You also stated that Mr. Middleton provided all documents requested by the Task Force. You added, "Mr. Middleton cooperated fully, without any restrictions or promises of immunity, and responded without limitation to requests for documents."

If your letter is accurate, it is very likely that Mr. Middleton waived any Fifth Amendment rights he has before the Committee. Although you invited the Committee to contact the Task Force to discuss Mr. Middleton's "cooperation," you certainly know that the Task Force is prohibited from discussing, or even characterizing, any interaction with Mr. Middleton. Therefore, in order to assist us in evaluating your previous claims, please respond to the following questions:

- Was Mr. Middleton's interaction with the Task Force part of an effort to obtain immunity for Mr. Middleton?
- Was Mr. Middleton's interaction with the Task Force pursuant to a "Queen for a Day" agreement, or any other arrangement whereby Mr. Middleton retained his Fifth Amendment privilege? If so, please provide any such agreement to the Committee.
- Did Mr. Middleton produce any personal documents to the Task Force? If so, were the documents produced pursuant to any agreement whereby Mr. Middleton




retained his Fifth Amendment privilege? Please provide any such agreement to the Committee.

- Please provide the dates on which Mr. Middleton met with the Task Force and any relevant agreements, if any, under which Mr. Middleton agreed to speak with the Task Force or Department of Justice.

If Mr. Middleton's discussions with the Task Force were pursuant to any kind of agreement whereby he retained his Fifth Amendment rights, your May 7 letter was seriously misleading. However, if accurate, it would greatly facilitate Mr. Middleton appearing as a witness before the Committee. Please respond by May 27, 1999.

Sincerely,


Dan Burton
Chairman

cc: Representative Henry A. Waxman

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OF COUNSEL
 SHARON L. O'GRADY*
 *NOT ADMITTED IN DC

May 24, 1999

VIA FACSIMILE AND MAIL

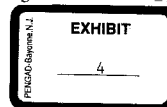
The Honorable Dan Burton
 Chairman
 Committee on Government Reform
 U.S. House of Representatives
 2157 Rayburn House Office Building
 Washington, D.C. 20515-6143

Dear Chairman Burton:

I am writing in response to your letter of May 20, 1999, which purports to reply to my letter to the Committee of May 7, 1999, declining, on behalf of Mark Middleton, the Committee's request that he be interviewed concerning information furnished by Johnny Chung and expressing our indignation that the Committee leaked Mr. Chung's false and derogatory allegations before even going through the motions of conducting an impartial inquiry. Mr. Middleton did not assert a Fifth Amendment privilege in response to your most recent request, since I understood from Ms. Comstock's last-minute telephone call that Mr. Middleton was not subject to a subpoena. Rather, he declined to cooperate because of a pattern of malicious leaks and bad faith that caused him reasonably to question the Committee's interest in conducting a fair-minded investigation of the matters before it. I had thought that my letter was clear on this point, but emphasize it again in light of the matters that you raise in your letter of May 20.

Your letter, unfortunately, does not respond to any of the concerns that we have raised; but, instead, seeks to use the information that we provided concerning Mr. Middleton's voluntary cooperation with the Department of Justice as the basis for further efforts by the Committee to harass and embarrass him.

Let me assure you that the statements in my letter of May 7 were accurate in every respect and I take strong offense to your conditional characterization of the letter ("If your letter is accurate . . .") or the unfounded speculation that it might be "seriously misleading." I do not agree, moreover, that the additional information you requested is relevant to "evaluating [Mr. Middleton's] previous claims . . ." or to determining whether he may do so in the future. Rather, as it has in the past, the Committee appears to be laboring under a fundamental misapprehension of the basic rules of law governing the Fifth Amendment privilege.



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The Honorable Dan Burton
May 24, 1999
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In the first place, it is difficult for me to understand how Mr. Middleton's cooperation with the Department of Justice in 1998 could call into question his assertion of a Fifth Amendment privilege in 1997. As you recall, at the Committee's request, Mr. Middleton submitted, on March 21, 1997, a detailed explanation of the basis for his assertion of a Fifth Amendment privilege which was founded, in substantial part, by your own statements publicly accusing Mr. Middleton of having engaged in unlawful activity. The Committee took no steps at that time to test the validity of Mr. Middleton's claim of privilege; and there is absolutely no basis in law to suggest that his subsequent actions shed any light whatsoever on the merits of his earlier refusal to testify.

Nor is there any basis to suggest that Mr. Middleton's cooperation with the Department of Justice Campaign Finance Task Force constitutes a waiver of his Fifth Amendment privilege in connection with any future proceedings before your Committee. As a general matter, waivers of constitutional rights are rarely inferred and narrowly construed. And, with respect to the Fifth Amendment, "[i]t is hornbook law that the waiver is limited to the particular proceeding in which the witness appears." *United States v. Cain*, 544 F.2d 1113 (1st Cir. 1976). Thus, even if Mr. Middleton had given testimony under oath in a proceeding related to a Justice Department investigation – which he has not – it would not vitiate his right to assert a Fifth Amendment privilege in any proposed proceedings before the Committee. *See also In re Morganroth*, 718 F.2d 161 (6th Cir. 1983); *United States v. Fortin*, 685 F.2d 1297 (11th Cir. 1982); *United States v. Licavoli*, 604 F.2d 613 (9th Cir. 1979); *United States v. Lawrenson*, 315 F.2d 612 (4th Cir. 1963); *United States v. Miranti*, 253 F.2d 135 (2^d Cir. 1953).

In light of these clear legal principles, the details of Mr. Middleton's interactions with the Department of Justice have literally no bearing on whether he may continue to assert a privilege before your Committee. I, therefore, decline to respond to your detailed questions except to confirm that Mr. Middleton did not ask for or secure any form of immunity from the Department of Justice in return for his voluntary cooperation and to represent that he has not been asked to testify under oath. If you wish to secure any additional details, I respectfully suggest that you address these questions to the Department of Justice, which is in a better position than I am to consider whether disclosure of such information would jeopardize any ongoing investigations.

In that regard, I strongly disagree with your suggestion that I "certainly know that the Task Force is prohibited from discussing, or even characterizing , any interaction with Mr.

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The Honorable Dan Burton
May 24, 1999
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Middleton." Mr. Middleton was not asked to testify before the Grand Jury and I am unaware of any statute or rule that would prohibit the disclosure of the circumstances of his cooperation.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Robert D. Luskin", with a long, sweeping flourish extending to the right.

Robert D. Luskin

cc: The Honorable Henry Waxman

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June 9, 1999

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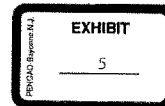
Dear Mr. Luskin:

The Committee received your May 24, 1999, letter on behalf of your client Mark Middleton. I would like to clarify some issues and allegations raised in that letter, as well as your earlier May 7, 1999, letter. In addition, I am providing you a copy of the Committee's subpoena that the United States Marshals' Service will be serving upon Mr. Middleton to give testimony at a hearing scheduled for July 13, 1999.

Your letters of May 7 and May 24, 1999, attempt to mischaracterize Mr. Middleton's claims of privilege before the Committee in early 1997. You repeatedly claim that Mr. Middleton decided not to cooperate with the Committee because of an unsubstantiated claim of "a pattern of malicious leaks and bad faith." In fact, in letters dated February 27 and March 24, 1997, you asserted Mr. Middleton's Fifth Amendment privilege on his behalf because, "Mr. Middleton's act of production in this matter would, in addition, tend to incriminate him." In those letters, you made numerous statements about Mr. Middleton's potential criminal liability as the basis for his claim of privilege:

- "If a prosecutor were to credit [the allegations], however, Mr. Middleton's actions might constitute a violation of 2 U.S.C. § 441e (1985), which addresses certain campaign contributions from foreign sources."
- "Because [the allegations] might also give rise to a prosecution under 18 U.S.C. § 912 (Supp. 1997), Mr. Middleton is privileged not to respond."
- "... the privilege against self incrimination protects Mr. Middleton from having to furnish information that could tie him to such individuals [John Huang, Charlie Trie, and others] and potentially, to their conduct."

You also made it perfectly clear in both the February and March, 1997 letters that, "Mr. Middleton would also invoke his Fifth Amendment privilege not to provide oral



Page 2
Robert D. Luskin, Esq.
June 9, 1999

testimony to the Committee either in deposition or in a public hearing.” In light of your statements, it is perfectly reasonable for the Committee to infer that Mr. Middleton invoked and continues to invoke his Fifth Amendment right against self-incrimination.

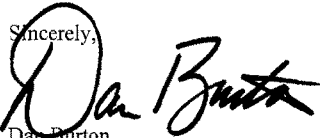
In your May 24 letter you refer to numerous Circuit Court opinions on the Fifth Amendment privilege. Unfortunately, none of those holdings apply to Congress, which is located in the District of Columbia. The D.C. Circuit is controlling in this case, and, as such, it is you who appear to be laboring under “a fundamental misapprehension of the basic rules of law governing the Fifth Amendment privilege.” As you properly noted, the courts in other federal circuits have concluded that a waiver of Fifth Amendment privileges is limited to the proceeding in which the witness appears. *Unites States v. Balsys*, 119 F.3d 122, 139 (2d Cir. 1997), *rev'd on other grounds*, 524 U.S. 666 (1998). More importantly, the D.C. Circuit declined to adopt the general rule and permits the waiver to follow the witness to subsequent proceedings. *United States v. Perkins*, 138 F.3d 421 (D.C. Cir. 1998); *United States v. Miller*, 904 F.2d 65,67 (D.C. Cir. 1990); *Ellis v. United States*, 416 F.2d 791, 800 (D.C. Cir. 1969). Attached is a memorandum from the non-partisan Congressional Research Service that agrees with the Committee’s interpretation of the caselaw as applied to Mr. Middleton’s case.

In your May 24, 1999, letter you claim that Mr. Middleton’s interactions with the Justice Department have no bearing on whether Mr. Middleton is able to continue to assert a privilege before the Committee. However, the relevance of those interactions is that, if your representations of Mr. Middleton’s cooperation with the Justice Department are accurate, your client appears to have waived his Fifth Amendment privilege under the applicable caselaw in the District of Columbia. You have offered no basis for claiming any of the exceptions established under that caselaw. As you have stated, Mr. Middleton “cooperated fully, without any restrictions or promises of immunity, and responded without limitation to requests for documents” in the Task Force’s “thorough and impartial investigation.” In addition, in your letter you convey that Mr. Middleton purposefully, and with the benefit of advice of counsel, made an informed decision to cooperate with the Task Force’s investigation. Your recitation of Mr. Middleton’s cooperation is indicative of a qualifying, informed waiver as described in *Ellis* and *Perkins*. Based on your letter, compliance with the Committee’s subpoena would not give rise to any further danger of incrimination, given that Mr. Middleton has already “cooperated” with the Justice Department.

Based on 6(e) restrictions, the Justice Department will not provide the Committee with any information relating to its interaction with Mr. Middleton. As you declined the Committee’s request for a detailed characterization of Mr. Middleton’s interaction with the Task Force, we will assume that your characterization of Mr. Middleton’s cooperation in the May 7 and 24 letters is accurate. Accordingly, the Committee has issued a subpoena for Mr. Middleton’s attendance at a hearing, so that the Committee may benefit from his testimony already shared with the Justice Department.

Page 3
Robert D. Luskin, Esq.
June 9, 1999

As a matter of courtesy, I have enclosed a copy of the subpoena to be served on your client. Should you have any questions, please contact Chief Counsel Barbara Comstock at (202) 225-5074.

Sincerely,

Dan Burton
Chairman

Attachments
cc: Representative Henry A. Waxman

Subpena to Testify (Hearing)

**By Authority of the House of Representatives of the
Congress of the United States of America**

To Mark E. Middleton

You are hereby commanded to be and appear before the full Committee on
Government Reform of the House of Representatives
of the United States, of which the Hon. Dan Burton is chairman, in
Room 2154 of the Rayburn Building, in the city
of Washington, on July 13, 1999, at the hour of 12:00 p.m.,
then and there to testify touching matters of inquiry committed to said Committee; and you
are not to depart without leave of said Committee.

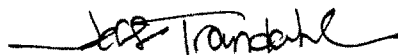
To Kimberly Reed or U.S. Marshals' Service
to serve and make return.

Witness my hand and the seal of the House of Representatives
of the United States, at the city of Washington, this
8th day of June, 1999

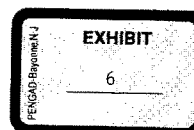


Chairman.

Attest:



Clerk.



Subpena to Testify (Hearing)

By Authority of the House of Representatives of the Congress of the United States of America

To Mark Middleton Serve: Robert Luskin, Esq.

You are hereby commanded to be and appear before the full Committee on Government Reform of the House of Representatives of the United States, of which the Hon. Dan Burton is chairman, in Room 2154 of the Rayburn Building, in the city of Washington, on August 5, 1999, at the hour of 10:00 am, then and there to testify touching matters of inquiry committed to said Committee; and you are not to depart without leave of said Committee.

To Kimberly Reed or US Marshals Service

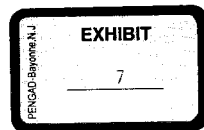
to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 27th day of July, 1999

[Signature of Dan Burton]
Chairman.

Attest:

[Signature of Clerk]
Clerk.



INTERNAL FILE

~~TP/2/1~~

UPHIL TID
② Desk Jon

To: Mack McLarty
From: Mark Middleton
Re: Outreach efforts

Marcia
Mark
Alexis

2/1
Bruce

Pursuant to our conversation earlier in the week, I have given considerable thought to how we could better service our supporters. Most of these benefits require no money and marginal effort, but do necessitate a customer/supporter service mindset. Moreover, identifying the proper supporters and creating an unobstructed, or at least receptive, avenue for those who can best identify forgotten friends is critical to this effort.

Obviously, not every Clinton supporter can be invited to a White House dinner, but every major donor and significant early player must be given priority. Having strong familiarity with the donor community, and in light of our future needs, I would suggest that reach all the way back to the \$20,000 contribution level. This benchmark captures most of the major players without touching the Business Leadership Forum membership (\$15,000) since they are involved largely for corporate reasons. I am presently attempting to identify DNC trustees (\$100,000) who have fallen between the cracks and there are several. Upon completion of this process we should invite these individuals to the White House for a small dinner with the President. Immediate priority must be given to these persons.

In addition to the big money crowd, there are a number of other important groups that need serious attention. As such, I would suggest that a series of White House receptions be scheduled on an annual basis for the following groups:

1.) Early and Substantial Clinton Supporters—Comprised of individuals who gave at least \$500.00 to the Clinton campaign early in the election effort. The number of persons in this group, obviously, depends on what one considers "early." For purposes of thought, I enclose the following data:

August 1991 - 5	February 1992- 1078
September 1991 - 85	March 1992- 932
October 1991 - 232	April 1992 - 1103
November 1991 - 153	May 1992- 1231
December 1991 - 937	June 1992- 845
January 1992 - 681	July 1992- 509

It is my feeling that we should draw the line at March, which would place us at 4,073 individuals. But, please note this number will be significantly smaller after deleting those individuals who have previously attended a White House event and after the spring event scheduled for Arkansas friends.



EOP 052422

2.) Clinton/Gore Presidential Planning Foundation—Comprised of individuals who contributed the maximum of \$5,000.00 to the transition effort. This group of 250 individuals was promised a White House reception for their efforts, but it has never occurred.

3.) Business Leadership Forum—Comprised of individuals who have contributed \$10,000.00 or corporations who have contributed \$15,000.00 to the DNC on an annual basis. The present membership of this group is 620 persons.

4.) National Finance Council—Comprised of individuals and corporations who have contributed \$5,000.00 to the DNC on an annual basis. The present membership is 400 persons.

Besides White House dinners and receptions, Saturday radio addresses should also be utilized to take care of our political and financial supporters. As it is presently set up, the communications operation basically makes these decisions. I would recommend that this function be shifted to the White House Social Office so that a systematic operation exists for taking care of supporters. At a bare minimum, a couple of seats should be set aside for financial supporters every week.

Air Force One may be the most coveted asset we have for rewarding our friends. Personally, with a few exceptions, I don't think there should ever be an empty seat on board the aircraft. This is a major perk and should be provided selectively, but none-the-less, fully utilized.

In a related regard, we should take full advantage of airport landings and departures. Presently, our policy is to only allow elected officials to be in the official greeting line. I am uncertain of the rationale for this decision, but we could certainly use the opportunity to make our supporters happy. These people should be invited well in advance of our arrival or departure, not as we fly into the air base.

An additional suggestion for taking care of friends is to set aside one night per week for use of the President's box at the Kennedy Center. I would suggest inviting a delegation of supporters from key states to join a White House official. Cabinet and agency officials would likely be pleased to be included in this manner as well, and supporters would be honored to spend time with them.

We should also establish a system for notifying key supporters of Cabinet Secretary visits and then include them in the officials activities. In fact, a specific meeting or reception should occur, whenever possible, during these stops.

As you can see, we have numerous opportunities to maintain personal contact with our most important supporters. The central problem is that there is no established system (i.e. no comprehensive list) for taking care of these people. Additionally, White House employees, who have complete discretion to make these decisions, often don't know many of the President's earliest and most generous friends. In fact, those persons best able to make these decisions are routinely disregarded and their input questioned.

In order to properly redress the aforementioned issues, I would ask to consider the following:

- * Authorize me to put together a comprehensive list of early and substantial contributors.
- * Establish a formal system, largely based on level of support, for taking care of the aforementioned individuals. (e.g. Every \$100,000.00 contributor is invited to a small dinner; every \$5,000.00/\$10,000.00 contributor is included in a reception)
- * Issue a directive to key White House officials that taking care of these friends is a priority.
- * Allow Administration officials who have personal relationships with these supporters to be present when the guest arrives for the designated event.
- * Maintain an accessible database that accurately details the benefits provided to these individuals.

Let's discuss.



DEMOCRATIC NATIONAL COMMITTEE

Donald L. Fowler, National Chair • Christopher J. Dodd, General Chair

January 17, 1995

Mr. Mark Middleton
 Commerce Corp International
 1455 Pennsylvania Avenue
 Suite 560
 Washington, DC 20004

Dear Mark:

Thank you for your consideration of my invitation to serve on the 1996 Finance Board of Directors. The Board will include 40-50 of our most prominent and dedicated supporters, each of whom will be asked to raise a minimum of \$350,000.

As I mentioned in my correspondence yesterday, President Clinton has asked to meet with the Finance Board for lunch at 1:00 p.m. on January 29th to discuss the 1996 election. Prior to this lunch, please plan to join me for an important political briefing and finance planning session with invited guests Leon Panetta, Harold Ickes, Doug Sosulik, Chairman Don Fowler and Chairman Chris Dodd. This conference will be held from 10:00 a.m. until 12:30 p.m. at the Hay Adams Hotel. This meeting will give you a complete overview of the year ahead and will allow you to offer your insight into our strategy. I strongly urge you to join us for both portions of the day.

I have asked my finance staff to call you to discuss your participation in the Finance Board of Directors. To R.S.V.P., please call Ann Brazier at 202-863-7143. If you have any questions, please feel free to call Richard Sullivan, DNC Finance Director, at 202-863-7187.

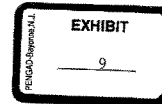
Thank you again for your commitment to the President and the Democratic National Committee. I look forward to working with you through the challenging months ahead.

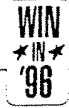
Sincerely,

Marvin Rosen
 National Finance Chairman

CC-H-000590

Democratic Party Headquarters • 430 South Capitol Street, S.E. • Washington, D.C. 20003 • TEL: 865.8000 • FAX: 802.863.8174
 Paid for by the Democratic National Committee. Contributions to the Democratic National Committee are not tax deductible.





DEMOCRATIC NATIONAL COMMITTEE

Donald L. Fowler, *National Chair* • Christopher J. Dodd, *General Chair*

EXECUTIVE COUNCIL

Within its legions of members, the Democratic National Committee looks toward a small group of dedicated supporters for the leadership needed to take the Party, and the country, into the next century. The Executive Council is a small circle of the Party's most committed, influential members. Comprised of some of the most distinguished opinion leaders and top business people across the country, this circle of supporters provides direction and strategy for the Party's leadership.

Members of the Executive Council include CEO's of Fortune 100 companies, Wall Street leaders, members of the entertainment community and founders of successful small businesses. The Council includes members from every region of the country, bringing to the Party a wide range of knowledge and experience. Executive Council members serve as both valuable spokespersons and counselors, guiding the Democratic Party in its effort to make government an asset to American families and businesses.

Executive Council membership is annual. Throughout the year members meet regularly with Party officials to offer insight and provide leadership on issues facing the Party and the country. Through forums, policy retreats and conferences, these business community leaders facilitate dialogue between the public and the private sector. Council members play an integral role in the Party's initiatives.

The President and the Vice President recognize the contribution Executive Council members make to ensuring the success of the Party and meeting the challenges of the 1996 elections. To meet that challenge, Council members work to expand the Party's base of support. Through outreach in the business communities, Executive Council members strengthen our Party's foundation. Working closely with the Party Chairmen, Executive Council members strive to meet the growing and changing needs of the Democratic Party.

Re-electing the President and regaining Democratic majorities in Congress means we must successfully compete with the unlimited resources and organization of the Republican Party. The Annual Executive Council Membership contributions of \$50,000 to the Democratic National Committee provides the Democratic Party the means to build the National infrastructure necessary to protect and advance the agenda that will lead us into the 21st Century.

The Executive Council is the true foundation of the Democratic Party. Leaders dedicated to this pinnacle of support are recognized as special friends of the Party and are accorded Honored Guest status at all DNC events including the Democratic Convention.

CC-H-000591

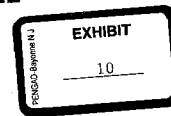
TO: Chairman Fowler
FR: Richard Sullivan
RE: Mark Middleton

Mark Middleton formerly served as deputy assistant to the President and senior assistant to Mack McLarty. Prior to the Clinton campaign, Mark was a practicing attorney in Little Rock. He was the first employee on the campaign, serving as Arkansas State Finance Director.

Mark recently left the White House to pursue international business ventures.

His purpose of meeting with the CHairman is to discuss some type of "title" with the DNC fundraising operation. Mark wants to help us raise new Managing Trustees.

 DNC 3379018



Briefings for June 13, 1998

MARK MIDDLETON, SENIOR VP OF INTERNATIONAL AFFAIRS, INTERNATIONAL REALTY INVESTORS

BACKGROUND INFORMATION

- Mark Middleton was deputy assistant to the President and senior assistant to Mack McLarty.
- Recently left the White House to pursue international business venture

PURPOSE

- Discuss some type of "title" with the DNC fundraising operations.

CONTACT: Richard Sullivan

SCHEDULE FOR NATIONAL CHAIR DON FOWLER
DATE: TUESDAY, JUNE 20, 1995
DRAFT: FINAL

WASHINGTON, DC

Schedule Contact: Catherine York
██████████ (Office)
██████████ (Home)
██████████ (SKYGRAM)

Driver DC: Adam Burns
██████████ (Office)
██████████ (Home)
██████████ (SKYGRAM)

~ Nick Caggia
██████████ (Office)
██████████ (Home)
██████████ (SKYGRAM)

8:40am **DEPART Home**
EN ROUTE DNC

9:00am **ARRIVE for OFFICE BLOCK**
Chairman's Office

Contact: Ceandra Scott x8122

11:15am **PRIVATE MEETING w/ Debra DeLee**
Chairman's Office

Contact: Debra DeLee/Julie x5037

11:45am **DEPART DNC**
EN ROUTE The Monocle Restaurant

 DNC 3427357

TUESDAY, JUNE 20, 1995
PAGE 2

12:00pm **ARRIVE** for LUNCH w/ Susan Page and Carl Leusbdorf
 The Monocle Restaurant
 107 D Street, NE
 Washington, DC
 202/456-4488

 Contact: Diane Reis x8151

TO ATTEND: -Diane Reis

NOTE: -See attachment.
 -Susan Page is the White House and Political Reporter for
 Newsday.
 -Carl Leusbdorf is Susan's husband and the Washington Bureau
 Chief of the *Dallas Morning News*.
 -DLF must leave by 1:00pm for next meeting.
 -Reservations for 4 under FOWLER.

1:00pm **DEPART** The Monocle Restaurant
 EN ROUTE The Capitol

1:15pm **ARRIVE** for DEMOCRATIC SENATORS CONFERENCE
 LUNCHEON/MEETING
 The Capitol
 S211

 Contact: David Gillette x8051

NOTE: -See attachment.
 -Purpose of the meeting is to discuss DNC Budget and donor
 contact/fundraising possibilities.
 -DLF TO MEET SEN. DODD IN S326A UPON ARRIVAL.
 Chairmen will then proceed to S211.
 -This is a regular Tuesday luncheon for Democratic Senators.
 -The car has been cleared.

2:20pm **DEPART** The Capitol
 EN ROUTE DNC

 DNC 3427358

TUESDAY, JUNE 20, 1995
PAGE 3

2:30pm ARRIVE for FINANCE BLOCK
Chairman's Office
Contact: Ari Swiller x8033

3:30pm PRIVATE MEETING w/ Harold Bevis, Vice President for Government
Affairs, Delta Airlines
Chairman's Office
Contact: David Mercer x7105
TO ATTEND: -David Mercer
-Richard Sullivan
NOTE: See attachment.

4:00pm PRIVATE MEETING w/ Mark Middleton, Senior Vice President of
International Affairs, International Realty Investors
Chairman's Office
Contact: Mark Middleton/Shawn
202/543-8386
TO ATTEND: -Richard Sullivan

4:50pm DEPART DNC
EN ROUTE Holiday Inn Capitol Hill

 DNC 3427359

To: Zhou, Hsiao-I
From: Jennifer [Russell]

Dear Ms. Hsiao-I,

Charlie Trie wants me to let you know of his and Mr. Mark Middleton's itinerary as follows:

March 21	9:45pm	Beijing
22		Beijing
23		Beijing
24		Beijing
25		Hongzhou
26		Shanghai
27		Shanghai
28		Hong Kong
29		Hong Kong
30		Hong Kong
31		Macau
April 1		Macau
2		Kuangzhou, Nanhai
3		Taipei
4		Taipei
5		Taipei
6	1:30pm	Arrive Jakarta
7		Jakarta
8		Jakarta
9	7:30pm	Brunei
10		Brunei
11		Return to U.S.

If you have any questions, contact me at 501-664-88[illegible]

*Committee Translation



Daimatsu International Trading, Inc.

facsimile
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Date= 03/17/95.

 To: 薇逸女士
 From: Jennifer

薇逸女士 您好:

崔亞林先生要我將他與 Mr. Mark Middleton 的行程讓
 你知道。請參考以下:

3月21日	9:45 PM	北京
3月22日		北京
3月23日		北京
3月24日		北京
3月25日		杭州
3月26日		上海
3月27日		上海
3月28日		香港
3月29日		香港
3月30日		香港
3月31日		澳門

009236

Corporate Office: 2224 Cottondale Lane, Suite 102, Little Rock, AR 72202 U.S.A. • Tel: (501) 664-8809 • Fax: (501) 664-0988

Washington D.C.

Hong Kong

Beijing

Changchun

Hangzhou

Daimatsu International Trading, Inc.

facsimile
TRANSMITTAL

4A 1日	澳門
4A 2日	台州 南海
4A 3日	台北
4A 4日	台北
4A 5日	台北
4A 6日	1:30PM 到雅加達
4A 7日	雅加達
4A 8日	雅加達
4A 9日	7:30PM 文藻
4A 10日	文藻
4A 11日	回美

如有任何疑問，可與我聯繫。這裡的電話是 (501) 664-888。
謝，祝，

萬事如意。

Corporate Office: 2224 Cottendale Lane, Suite 102, Little Rock, AR 72202 U.S.A. • Tel: (501) 664-8809 • Fax: (501) 664-0988 009237

Washington D.C. Hong Kong Beijing Changchun Hangzhou



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 HUBLETON/STEPHEN SEAT 110 50-2113149042
 AIR
 10 DALLAS FT WORTH 817A BETA AIR LINES INC 8097
 AR PORTLAND OR FOX 1151A BETA AIR LINES INC 222 1400 1100
 HUBLETON/STEPHEN SEAT 220 50-2113149042

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 ACCOMMODATIONS 020531
 RATE-75.00USD PER NIGHT 020531
 CANCEL BY 04P DAY OF ARRIVAL
 GUARANTEED RATE
 GUARANTEED LATE ARRIVAL
 CONFIRMATION 871UX76
 FIRST NO ROOM

AIR
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 HUBLETON/STEPHEN SEAT 130 50-2113149042

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 AIR 10 SINGAPORE 800P SINGAPORE AIR LINES 1031
 AR JAKARTA 900P SINGAPORE AIR LINES 9082
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DATE: 30 APR 75
 PAGE: 02

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 111 CENTER ST, STE 200
 LITTLE ROCK AR 72261

HOURS: 8:00A-5:30P, MONDAY - FRIDAY
 PH: 501-377-2029, WATS: 800-643-9691
 AFTER HOURS: 800-888-6517
 EXECUTIVE CODE: - HH62

FOR: MIDDLETON/STEVEN L REF: 004A

AIR	09APR	LV JAKARTA	0600	CGK 2730P	ROYAL BRUNEI	734J	
SUN		AR BANDAR SERI BEGUM	1050P			EQP:	BOEING 737
AIR	12APR	LV BANDAR SERI BEGUM	0250P	ROYAL BRUNEI	633J		
WED		AR HONG KONG	0250P			EQP:	747-300
AIR		LV HONG KONG	0745P	UNITED AIRLINES	836C		DIRET:
		AR SAN FRANCISCO	0500P			EQP:	BOEING 747-400
		MIDDLETON/STEVE		SEAT- 6H	UA-00624454144		
AIR	13APR	LV SAN FRANCISCO	240P	DELTA AIR LINES INC	882M		SNACK
THU		AR DALLAS FT WORTH	0753P			EQP:	727 STRETCH
		MIDDLETON/STEVE		SEAT- 22B	SQ-2113149047		
AIR		LV DALLAS FT WORTH	0852P	DELTA AIR LINES INC	262M		
		AR LITTLE ROCK	1000P			EQP:	727 STRETCH
		MIDDLETON/STEVE		SEAT- 22B	SQ-2113149047		

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02653b

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ARC XXXX
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STEVEN L MIDDLETON 1 1 000000
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 LITTLE ROCK AR 72211

4610010955535607

TOTAL FINANCE CHARGES PAID DURING 1994: \$480.14

CREDIT LINE	AVAILABLE	CLOSING DATE	ACCOUNT NUMBER	AMOUNT
TOTAL AT BILLING	\$5,000	APR 14 1995	[REDACTED]	
POST TRANS				
32295 32295 PAYMENT - THANK YOU				3,500.00
32395 32195 TIGER DIRECT				430.75
32795 32325 DELTA AIR				4,270.33 ←
40495 40295 KERR MCGEE				16.00
41295 41195 CERFNET INC				20.00
--*-*-* LAST ITEM *-*-*-*-*				

** AN ADDED SERVICE **
 NATIONWIDE CUSTOMER SERVICE WATTS 1-800-272-2102

AVERAGE DAILY BALANCE SUBJECT TO FIN CHG		PURCHASES		TOTAL	
PERIODIC RATE	ANNUAL RATE	CASH ADV	MAJOR PUR	PURCHASES	TOTAL
.0280821	10.25			3550.55	3550.55
				3500.00	3500.00
				4737.08	4737.08
				30.89	30.89
				4818.52	4818.52
00000000	00000			4818.52	4818.52
		MINIMUM PAYMENT DUE		1145.00	
11/14/87 FRI 12:40 (TX/RX NO: 5018)					

May 23, 1995

Mr. William Bai
Executive Director
Consolidated Trust Company, Ltd.
1005 Wheelock House
20 Pedder Street
Central, Hong Kong

Dear William:

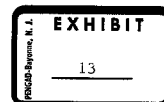
I enjoyed our short conversation on Monday evening. I will continue to follow up on the projects we discussed.

Please stay in close touch.

Personally,

Mark E. Middleton
Senior Vice President for
International Affairs

0129



March 15, 1995

Minister Wang Tian Ming
Embassy of the People's Republic of China
2133 Wisconsin Ave., NW
Washington, D.C. 20007

Dear Minister Wang Tian Ming,

I have scheduled a trip to China beginning Monday, March 20th, 1995 and ending Tuesday, March 28th, 1995. Presently, I am planning to visit Beijing, Shanghai, and Hangzhou.

The purpose of my trip is both business and pleasure. As such, I would appreciate your assistance in arranging a few meetings with Chinese government officials who are responsible for trade and business matters.

I look forward to visiting your country and further strengthening the relationship between our two countries.

Thank you for your consideration and assistance.

Personally,

Mark Middleton
Senior Vice President for
International Affairs

0041



I R I

INTERNATIONAL REALTY INVESTORS
STEVEN J. GREEN, CHAIRMAN

40001 FISHER ISLAND DRIVE
FISHER ISLAND, FL 33109
TEL: (305) 832-2432
FAX: (305) 832-2789

401 48 HANOVER AVENUE, #200
WASHINGTON, DC 20004
TEL: (202) 643-6284
FAX: (202) 643-6388



March 20, 1995

Ambassador Robert L. Barry
Medan Merdeka Selatan 5
Box 1, APO AP 96520

Dear Ambassador Barry:

I have recently made plans to visit Jakarta April 5th-8th and would enjoy seeing you during my stay. As you probably know, I moved from the White House to the private sector three weeks ago, so I will be traveling as a private citizen.

My trip to Indonesia is not strictly for pleasure and, as such, I am hoping to arrange a few meetings during my stay. If your office could be helpful, it would be much appreciated. The individuals I would most like to see are as follows:

- 4/10 Hanover ✓ Dr. Marie Mohammed ✓
- 4/10 Hanover ✓ Dr. Satryo Budiardjo Yudono ✓ 384-2067 11 min. Tanjung: 4/6 11:30 am
- 4/10 Hanover ✓ I.B. Sudjann ✓ 360-332 1/2 hrs. Hanover.
- 4/10 Hanover ✓ Haryanto Denutirio ✓ 394-6132
- 4/10 Hanover ✓ Yoop Auc ✓ 4/6 - 10 am.
- GERMANY ✓ Dr. Ginangar Kartasasmita ✓
- Dr. B.J. Habibie ✓ Hanover
- Dr. J. Soldradjat Djiwandong ✓ 4/1

Ambassador Siregar has offered to be of assistance but your support would be very helpful.

If you are available to see me or if any of my requested appointments are made, please contact Ms. Shawn Covell in my D.C. office at the following numbers: work phone-(202) 543-8386 fax-(202) 543-8382. I will be travelling in Asia, but will be getting my messages daily.

Thank you in advance for any assistance you are able to provide. I hope to see you soon.

Personally,

Mark E. Middleton

Mark E. Middleton
Senior Vice President for
International Affairs



As of April 6, 1995 9:30am

VISIT SCHEDULE
for
Mr. Mark E. Middleton
Senior Vice President for International Affairs
INTERNATIONAL REALTY INVESTORS
April 5 through April 9, 1995

Wednesday, April 5	9:20 pm	Arrival at Soekarno-Hatta Airport	SQ-164
		(Staying at Imperial Century Hotel/Lippo Village - <i>Kurusi - Lippo Village</i>)	Tel: 546-0101 <i>Pm. 8/11</i> Fax: 546-0201
Thursday, April 6	7:30 am	Breakfast with Min. Wardiman Djojonegoro	Grand Hyatt (Lippo schedule)
	12:00 nn	Lunch with Governor DKI (Lippo schedule)	
	2:15 pm	Ambassador Barry	Borobudur Hotel
	2:30 pm	Drs. Mar'ie Muhammad Minister of Finance	Dept. Finance, 3rd Fl. Jl. Lapangan Banteng Timur 2-4 Jakarta Pusat Tel: 365-364
	4:00 pm	DR Soedradjat Djiwandono Governor Bank Indonesia	B.I. Bldg., 3rd Fl. Jl. M.H. Thamrin 2 Jakarta Pusat Tel: 231-1188
Friday, April 7	morning till 2pm	Program with Lippo	(Lippo schedule)
Saturday, April 8		Minister Joop Ave Dinner with Lou Clinton (Lippo Schedule)	Borobudur, Toba Rottiserie
Sunday, April 9	12:00 nn	Luncheon with Min. Maryanto Dhanutirto	<i>Office</i> Shangri-La Hotel <i>Hotel 5</i> <i>Jakarta</i> 3rd Fl.
	5:30 pm	Leave for Airport	e.t.d. 7:30 pm

Visit

Note: Ministers Joedono, Sudjana, Tungky Ariwibowo, and Habibie
are still in Hannover and will be back around April 10.

March 20, 1995

Ambassador Arifin M. Siregar
Indonesian Embassy
2020 Massachusetts Avenue, N.W.
Washington, D.C. 20036

Dear Ambassador Siregar:

Thank you for inviting me to lunch on Friday; I truly enjoyed the opportunity to have such a personal visit.

As I indicated to you during our discussion, I plan to be in Jakarta from April 5th-9th. If at all possible, I would like to see the following persons during my stay:

*Dr. Marie Mohammed
*Dr. Satryo Budiardjo Yudono
I.B. Sudjann
Haryanto Danutirio
Yoop Auc
*Dr. Ginangar Kartasasmita
Dr. B.J. Habibie
Dr. J. Soldradjat Djiwandono

I certainly would appreciate any assistance that you could personally provide. My assistant, Ms. Shawn Covell, will be able to reach me on a daily basis. She can be contacted at (202) 543-8386.

Thank you again for your help and friendship.

Personally,

Mark E. Middleton
Senior Vice President for
International Affairs

0045



Date: 28 March, 1995
To: Mark Middleton
From: Shawn Covell
RE: Messages and General Info.

Mark:

Howdy! It was great to speak with you!

1. The number for Michael Dell, Chairman of Dell Computers is: (512)
[REDACTED]
2. I fedexed your White House cards to Larry.
3. Yusuf says the Presidential letter to Mr. Lenon at O'Gara's is in the works.
4. Attached are the faxes you received.
5. I have not been able to reach Dick Hill yet, but left a message and will keep trying.
6. Your Mom called and I gave her your hotel number.
7. Am still trying to reach Russ Brandt-apparently he is in New York right now--so maybe he will not go to Hong Kong after all. I'll keep you posted.
8. I called up Truman Arnold's office and gave Jason your hotel number for Truman.
9. Steve's number in London again: [REDACTED]
10. I will go to your apartment tonight and water the plant, empty the mail and rewind the answering machine!

I think that's about it! I hope all goes well. Please keep in touch! We miss you here!

--Shawn

0060



9. Mail: a. Bertrand Colloimb from Lafarge Corp. sent thank you for lunch, picture, etc. Also reiterated concern over Cement Kiln Dust issue that EPA may try to regulate.
- b. Dick Hill passed on a resume to you from a Mark Roderick Weaser.
- c. Charles Santangelo sent info. on USAID's active and planned environmental projects.
10. Faxes: a. Walter Shorenstein sent names of Ted Athanassaides and Harry Kamen as people he thinks should be invited to White House dinner. Shall I send this to Truman Arnold with other stuff?
- b. Ambassador Tull
- c. Ambassador Robert Barry.
- d. Whitney

Wednesday, March 22, 1995

1. John Fawcett [REDACTED] Wanted to alert you to a White House appointment that will probably take place after you get back. Said would have effect on Clinton Library. He wouldn't say who it was.
2. Mark Nichols Political Appointee at AID. Wanted to know who to talk to about Clinton advance work in Russia. [REDACTED]
3. Mail: Letter from Bud Cherry saying he would not be interested in the Malta opportunity.
4. Yusuf is working on Gohn internships and Presidential letter for Chip Lenon at O'Gara. I went and met him to give him the other stuff (letter and picture) and he gave me stuff from your in box. Nothing important. He faxed copy of a letter ensuring rit aggarwala's participation in New York State Day.
5. Still trying to get Joe Hanna.
6. Larry called. He spoke with Ambassador Jaya this morning. Said that the ambassador would like to meet with you, but you need to call him to coordinate. Best time to call is 11:00PM--right before he goes to bed. (you are in the same time zone)
- Also, Larry spoke with Johnny Huang who said that you need to get your itinerary to the Riati Group. They want to "take care of you" while you are in Hong Kong--have a car meet you at the airport, etc...
7. Mr. Porrier in France [REDACTED] No speciifc message said he just wants to talk business.
8. Marianne Smith from commerce [REDACTED]

0053



DATE: 23 March, 1995
TO: Mr. Joe Hanna
FROM: Mr. Mark Middleton
RE: Asia Trip

Dear Joe:

Currently, I am in China at the Jing Jang Center in Beijing until Saturday morning, March 25th. I will be arriving in Jakarta on Wednesday, April 5th on Singapore Airlines flight #164 at 9:00p.m.. I am writing to find out the hotel arrangements you have made for me in Jakarta and if you have set up a meeting for me with Mr. Bakerie.

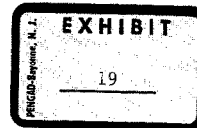
You can reach me at 011-861-501-8888 (phone) and 011-861-501-3333 (fax). My room is #2332. If you would also send my Jakarta hotel and meeting information to my assistant, Shawn Covell, at 001-202-543-8382 (fax) 001-202-543-8386 (phone), I would greatly appreciate it.

Thank you for your assistance and friendship. I look forward to seeing you soon.

Personally,

Mark Middleton
Senior Vice President for
International Affairs

0059



THE MIDDLETON GROUP, INC.

2020 F STREET, N.W., SUITE 103
WASHINGTON, D.C. 20006
(202) 296-1712

W. J. ...
...

July 7, 1995

Arkansas International Development Corporation
111 Center Street, Suite 1900
Little Rock, Arkansas 72201

Dear Sirs:

This letter will set forth the terms and conditions by which The Middleton Group, Inc. will serve Arkansas International Development Corporation (the "Company") as an independent consultant and counsel in connection with business matters of interest to the Company.

As counsel, we will be available to provide advice and counsel in connection with the Company's business and shall undertake such specific assignments as may from time to time be agreed. We shall not, however, undertake any matter that would require registration as a lobbyist or foreign agent under Federal or State law. In rendering our services hereunder, we shall devote such time as may be reasonably required to fulfill our assignments on a timely basis, and the Company shall provide such assistance and facilities as may be necessary or appropriate for the particular project undertaken.

For our services, the Company shall pay us a retainer of \$12,500.00 per month, payable quarterly in advance. Expenses that we incur on behalf of the Company, including travel, meals, lodging and communications, shall be borne by us unless otherwise agreed.

From time to time we may introduce the Company to new business opportunities with third parties. In the event the Company enters into any agreement for new business with third parties that we introduced, the Company shall pay us a finder's fee in an amount as shall be agreed in each instance.

It is understood and agreed that this engagement will not constitute an employer-employee relationship with the Company for any purpose; and that we shall be an independent consultant of the Company and not its agent.

This agreement shall commence as of July 1, 1995 and remain in force for a period of two years. Thereafter, it shall be renewed



AIDC 000095

COPIED

Arkansas International
Development Corporation
July 7, 1995
Page 2

for additional one-year periods unless terminated by either party on 60 days' notice prior to the expiration of any such period.

In view of the sensitive and confidential nature of our work for the Company, we agree to keep and hold in strictest confidence all information regarding the Company's business, its clients, and their business and personal activities, that we receive, directly or indirectly, in connection with or as a result of services rendered or to be rendered by us as a consultant to the Company. The obligations in respect of confidential information shall survive the termination of this agreement but cease upon the third anniversary of its termination. Promptly upon the termination of this agreement, we agree to return to the Company all confidential materials, and copies thereof, in our possession or control upon the Company's request. Once engaged on behalf of the Company in any particular assignment, our representation of the Company will be exclusive with respect to the subject matter of such assignment.

If the foregoing is satisfactory and reflects your understanding of our agreement, please so indicate by signing and returning the enclosed copy of this letter.

Sincerely,

The Middleton Group , Inc.

By: _____
Mark Middleton, President

Agreed and Accepted:

Arkansas International
Development Corporation

By: _____

1. Please explain the circumstances under which you met Mark Middleton.
 - * Who introduced you to Mark Middleton?
 - * Where were you introduced to Mark Middleton?
2. Please describe the nature of your relationship with Mark Middleton.
3. Did Mark Middleton ever represent to you that he could introduce you to the President of the United States?
 - * If so, please describe his representation.
4. Did Mark Middleton ever represent to you that he could assist you in meeting with federal government officials?
 - * If so, please describe his representation.
5. Did you ever visit the White House or meet President Clinton of the United States through the efforts of Mark Middleton?
 - * If so, please describe the circumstances and date(s) of your visit(s) to the White House and/or meeting with President Clinton.
6. Did Mark Middleton ever introduce you to representatives of the Democratic National Committee? For example, Don Fowler, Richard Sullivan, or Marvin Rosen?
 - * If so, please describe the circumstances of your meeting(s) with such representative(s).
 - * Did any such representative ask you to contribute funds to the Democratic National Committee?
7. Did Mark Middleton ever ask you to contribute funds to any of the following:
 - (a) Democratic National Committee;
 - (b) Clinton/Gore '96; or,
 - (c) any state party organization or committee.
8. Did any other United States national or permanent resident ever ask you to contribute funds to any of the entities listed in 7(a)-(c), or any other political campaign, during the 1996 federal elections?
 - * If so, please describe the circumstances.
9. Did you form any business entity or entities with Mark Middleton?
 - * If so, please name such entities and describe the business purpose behind such entities, including, if applicable:
 - (a) Wygil Holdings (Pte) Ltd.; or,
 - (b) BEM (China) Ventures Inc.
 - * To your knowledge, did any business entity in which both you and Mark Middleton were involved contribute funds to any of the entities listed in 7(a)-(c)?



10. What, if any, business relationship existed between yourself, Mr. Middleton, and Mr. Rick Fukuyama or Mr. Kenzo Takenoshita of Japan's Nissho Iwai Corporation?
11. Do you have any business cards from Mark Middleton? If so, would you be willing to provide copies of such cards to the Committee on Government Reform and Oversight?
12. Are you aware of any solicitations for contributions to any 1996 federal political campaign entity made by Mark Middleton to someone other than a United States national or permanent resident?
 - * If so, please describe your knowledge of such solicitation.

1. It was a Friday morning. One day before the historic day when all roads leading to the White House was closed to vehicular traffic. I was having breakfast at the Willard Hotel in Washington DC with our then Ambassador to the US, Mr S R Nathan. Unknown to us Mr Middleton was also having breakfast with another group of people. As Mr Middleton was leaving he caught Ambassador Nathan's attention. They greeted each other and he was introduced to me.
2. The relationship with Mr Middleton was to explore business opportunities in East Asia.
3. Please see 5.
4. Mr Middleton hinted that he was well known in Washington, but I had no specific desire in wanting to meet with any federal government officials or businessmen. Mr Middleton knew that official channels were available to me through the Singapore Embassy. He was careful in cultivating our relationship as he knew I could verify his claims. Besides, I am a businessman, not an influence dealer and even though I have a warm relationship with Ambassador Nathan I had never seek his introduction to any one in the US. In fact I cannot recall Mr Middleton introducing me to any government official or businessman in the US or anywhere.
5. Yes. The same afternoon after our chance breakfast meeting, Mr Middleton left several messages at the Singapore Embassy inviting me to attend a Radio Address at the White House for the following morning. At the end of the Radio Address I was introduced to the President along with many other people who were there for the Radio Address. After the Radio address Mr Middleton invited me to lunch at a close by hotel and he told me that he had completed his term at the White House and was interested in doing business in Asia.
6. No.
7. No.
8. No.
9. Yes. An opportunity scanning company named BEM (China) Ventures Inc was formed to explore and identify business opportunities. There were 4 partners. Mr Mark Middleton, Mr Rick Fukuyama, Mr Patrick Chen and myself. The scanning company was formed on January 2 1996. The paid-up capital was \$4.00. Each partner was allocated 1 share of \$1.00 each. We paid our own expenses. The strategy was when an opportunity was identified we would form an operating company with suitable paid up capital for the partners to invest and pursue the business. However before we could begin our business, Mr Middleton hit the headlines. We decided not to proceed until Mr. Middleton cleared his position. As no progress was apparent we decided to liquidate the company on October 26, 1996. Mr. Middleton was never a partner of Wygil, but he might have carried a Wygil visiting card during the interim when BEM was being registered. No contributions whatsoever were ever made.
10. Mr Rick Fukuyama was a partner at BEM and Mr Kenzo Takenoshita was Mr Fukuyama's immediate boss at Nissho Iwai.
11. As Mr Middleton was introduced to me at a chance meeting by our Ambassador I did not exchange business card with him. However I vaguely remembered seeing a card identifying him as the President of CommerceCorp in Washington. Because Mr Middleton was very respectful to Ambassador Nathan he was always thoughtful and courteous with me.
12. No.

VIA FACSIMILE

June 27, 1996

Y. Y. Wong
The WyWy Group
Leng Kee Road
Singapore 0315

Dear Y. Y.,

Thank you for your recent facsimiles; it is always nice to hear from you.

I met with Ambassador Chorba today in The White House and we had a good discussion about you. Tim is a big fan of yours as you likely know. In fact, he said he recently sent you some possible business. I hope it work out.

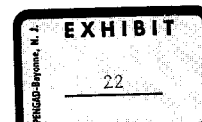
Thank you for the update on Ms. Liu. I know that she must be concerned with nepotism but I'm not sure how that affects us. Does she think that Hong Leong is working with BEM?

Please keep me updated; I miss hearing from you more often.

Very truly,

Mark E. Middleton

CC-H-000159



#121

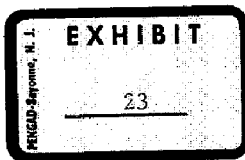
WALL Overnight Delivery #30
APAR ~~STAFF MEMBER TRIE~~

PARKING SPACE 166 STORAGE SPACE #462 PHONE NO. 12021915-4894
(0) 703-358-5074
Keshi Zhou
41703-527-0156

PERMANENT ADMITS

Date Received	Name of Person to be Admitted	Relationship	Signature
	Martha Shaffer	sp. cap-sons	
	Keshi Zhou		
	ELIN OUTLAW		
	E-MEI TRIE		
	Christina Motina		
	Mark Middleton		
	Susan Ivance (Lavinie)		

Connie Cooper Smith
PAU Amno → Antonio Pan



Program
for the Visit of
Mr. Mark Middleton
to
the Republic of China
July 30 - August 2, 1995

Sunday, July 30, 1995

06:35 Arrive at CKS International Airport
via SQ 005

Proceed to Far Eastern Plaza Hotel

All Day Free
Dinner by CP & Fried
RON Far Eastern Plaza Hotel

Monday, July 31, 1995

Morning Free ---
10:00 Mtg - Near hotel
12:30 Luncheon hosted by Dr. Chou-seng TOU, Director,
Department of North American Affairs, Ministry
of Foreign Affairs
(2F, Hunan Garden, Lai Lai Sheraton Hotel,
Tel:3215511,
Address:12 Chunghsiao E. Rd., Sec. 1, Taipei)
1:50
15:00 Call on Mr. Wen-yang WANG, Associate Manager,
Formosa Plastics Group
(TEl:7122211-5804, through Mr. Lin,
Address:201 Tunghwa N. Rd., Taipei)

Evening Dinner with personal friend - F.T. and
RON Far Eastern Plaza Hotel

Tuesday, August 1, 1995 *7:30 - 8:30 Visit Stephen CHOW*

11:00 Call on Mr. Hung-chih CHENG, Vice General
Manager, Shin Kong Group
Tel:5078585-763, through Ms. WU,
Address:42F, 66 Chunghsiao W. Rd., Sec. 1,
Taipei) Mr. Lu's residence

10:30 Yu-Lang (Automobile club) New York



CC-H-000447

12:30 Luncheon hosted by President Hsutong HSU,
Far Eastern Group

16:00 Call on the Hon. Li-teh HSU, Vice Premier
and Chairman for CEPD (Council for Economic
Planning and Development)
(Accompanied by MOFA officer and vehicle
provided)

RON Far Eastern Plaza Hotel
Dinner at Hotel

Wednesday, August 2, 1995

10:00 Call on the Hon. Shih-chien YANG, Political
Minister, Ministry of Economic Affairs
(Accompanied by MOFA officer and vehicle
provided)

15:05 Depart via SQ 897

For Mr. Mark Middleton
Letter

Date: [unclear]
[unclear]
[unclear]

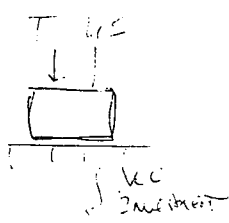
Program for Mr. Mark Middleton's Visit

(A complete one will be furnished to Mr. Middleton upon arrival)

July 30, 1995
Sunday

Arriving CKS Airport
Lunch C. P. Chen and Fred Li
Dinner hosted by Fred Li

David [unclear]



July 31, 1995
Monday

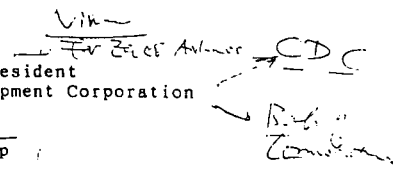
10:00 AM C. N. Pai, President-designated
Core Pacific Bank in organization

2:30 PM
Dinner

Daniel M. Tsai
Fuban Bank
As per Mr. Middleton's own arrangement

August 1, 1995
Tuesday

9:00 AM Benny Hu, President
China Development Corporation



10:30 AM Ken Yen, EVP
Yu Long Group

Lunch Douglas Hsu
Far Eastern Group
(As per Mr. Middleton's own arrangement)

4:00 PM The Hon. Y. K. Lin

Dinner hosted by Alex Dou

August 2, 1995
Wednesday

Afternoon Leaving CKS Airport

c0728.1

CC-H-000276



To: Mr. Mark E. Middleton
Commerce Corporation International
U. S. A.

From: Mr. YAU Lop Poon
Editor-in-Chief, Yazhou Zhoukan
Hong Kong

Date: July 31, 1996

Dear Mr. Middleton:

I am writing on behalf of Yazhou Zhoukan, a newsweekly published in Hong Kong and the only international Chinese-language news magazine. We are preparing an article on your activities in the past two years in Taiwan. I would appreciate it if you could answer the following questions by facsimile to (852)2505-9672 before August 6, 1996.

- 1) We understand that you were President Clinton's fundraising director in the South during the 1992 campaign and are currently a member of the executive board of the Finance Committee of the Clinton/Gore Campaign (hereafter called the Campaign). Can you confirm these titles? Have you served the Campaign in other capacities? When?
- 2) On June 28, 1995, your photo appeared on the San Francisco Chronicle as a member of President Clinton's re-election team. What was your official position at the Campaign at that time?
- 3) When did you begin serving as a executive board member of finance committee of the Campaign?
- 4) We learned from our sources that you had visited Taiwan at least three times over the past two years - early April 1995, from the end of July to the beginning of August 1995 and April 1996. Were you a executive board member of the finance committee of the Campaign during those three visits to Taiwan? Was any member of the Campaign or the White House aware of your trips to Taiwan?



亞洲週刊有限公司
 7/F, 110, Nathan Road, Kowloon, Hong Kong
 電話: (852) 2515 8388 傳真: (852) 2505 9682 / 2505 0477 / 2515 2790
 YAZHOU ZHOUKAN LIMITED
 7/F, Block A, 110 Nathan Road, Kowloon, Hong Kong
 Tel: (852) 2515 8388 Fax: (852) 2505 9682 / 2505 0477 / 2515 2790
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CC-H-000163

5) Our sources in Taiwan told us that during your visit to Taiwan in April 1995, you handed out the White House name cards that read "Mark E. Middleton, Special Assistant to the President and Deputy to the Counselor" to some of the people you met there. When did you leave the White House employment? Is it correct that your last day at the White House was February 17, 1995? If you had left the White House before April 1995, why did you still distribute the White House name cards in Taiwan?

6) Sources in Taiwan also told us that during your visit to Taiwan in April 1995, you told some of the people you met there that you were instructed to ask Taipei to stop lobbying for President LEE Teng Hui's visit to the Cornell University and to raise campaign funds for President Clinton's re-election. Did you visit Taiwan on behalf of the White House and/or the Campaign? Who instructed you to act as a messenger and to solicit support for President Clinton's re-election?

7) Did you call your contact in Taipei from the U.S. at the end of April 1995 to suggest a meeting between Mr. Tai-Ying LIU, Chairman of China Development Corporation and Chairman of Business Management Committee of Kuomintang (the ruling party in Taiwan), and President Clinton?

8) We understand that Mr. Charlie TSUI, a Chinese-American businessman from Little Rock of Arkansas, joined you in both of the April and July-August 1995 trips to Taiwan. According to our understanding, Mr. Winston WANG, Senior Vice President of NanYa Plastic Corporation based in Taiwan, went to the White House and met with President Clinton on June 21, 1995 through the introduction of Mr. Tsui. Were you also involved in facilitating Mr. Wang's meeting with President Clinton?

9) We learned that during your July-August 1995 visit to Taiwan, you met with Mr. TOU Chou-Seng, the then Director of the Department of North America Affairs at the Ministry of Foreign Affairs of the Republic of China, on July 31, 1995 at a restaurant in Taipei. Subsequently, you visited Mr. Tai-Ying Liu, Chairman of China Development Corporation and Chairman of Business Management Committee of Kuomintang, at Mr. Liu's China Development Corporation's Taipei office on August 1, 1995. We are also told that during your meeting with Mr. Liu that day, Mr. Liu offered to contribute US\$15 million to President Clinton's re-election and you were pleased to hear this proposition. Did you report these meetings and the conversation you had with Mr. Liu to anybody at the White House and/or at the Campaign afterwards?

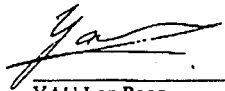
10) According to your knowledge, did President Clinton meet with Mr. Tai-Ying LIU in private on or around September 22, 1995 in San Francisco? If the meeting did take place, were you and/or the Campaign involved in facilitating this meeting in any way?

11) Do you know of any political contribution made by Taiwan business or individual contributors to President Clinton's re-election?

12) Do you know that it is illegal for the Campaign to accept any contribution from foreign governments or individuals that are not American citizens or permanent residents? Are you aware of President Clinton's directives which banned his former staff from lobbying for foreign governments?

Should there be any question, please do not hesitate to contact me at my direct telephone number at (852)2515-5122. Thank you.

Sincerely,



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September 24, 1996

Mr. Lop Poon Yau
Editor-in-Chief, Yazhou Zhoukan
151 F. Block A, Ming Pao Industrial Center
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Dear Mr. Lop Poon Yau

I apologize for being unable to join you in Singapore for a dinner meeting with our mutual friend, Oei Hong Leong. Mr. Oei has spoken very fondly of you and has a great deal of respect for your work.

Since I was unable to meet you in person due to my unforgiving business schedule, I wanted to write to you in order to introduce myself and, more importantly, to clarify a number of points that you raised in your earlier correspondence to me.

As a respected journalist for an esteemed publication, I trust that you are interested in writing a fair and balanced story on the subject that you are pursuing. In order to do that, you must know the truth and must have access to unbiased factual information. Unfortunately, that has not been the case thus far.

First, I am well aware that your primary source for your piece is Mr. C. P. Chan. Mr. Chan is a former business acquaintance who is disgruntled because of unsuccessful business pursuits. In fact, his motivation for distorting alleged conversations, meetings and actions stems from his belief that he was left out of business deals (there were none) with people that he had previously introduced to me. Regardless, his veracity as a source should concern a man with your journalistic credentials. *In fact, you should know that Mr. Chan personally arranged my meeting Dr. Liu and Mr. Liu.*

While I do not feel it necessary to comment on the laundry list of baseless allegations proffered in previous correspondence, I would respectfully like to make a general statement that you should find useful.

CC-H-000166

Page two

Following my employment in The White House, I became a private businessman engaged in the business of assisting U.S. companies in entering new markets, primarily in Asia. I am not formally or informally employed by the U.S. Government and have not represented myself as a government official since the day I left The White House. I do not report to anyone in the U.S. Government or to any person associated with the Clinton-Gore campaign.

All of my activities in the country of Taiwan have been conducted for the interest of my private business exclusively. Toward that end, my association with Dr. Tai-Ying Liu has been in his capacity as the Chairman of China Development Corporation. While we obviously have a mutual interest in government affairs and desire a strong relationship between Taiwan and the United States, our relationship is business oriented.

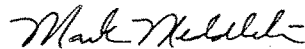
By far the most serious question raised in your letter to me (which is presumably the central basis for your story) concerns the allegation of foreign financial support for the Clinton-Gore campaign. For the record, I have never asked for or received any money from a foreign individual or government for any political campaign. As a reputable journalist, you can verify this point by checking with the Federal Election Commission. As you know, every political contribution is reported to this body.

I am equally concerned by the tone of several questions which allude to the fact that I would work for any foreign governmental entity. Let me be clear, I do not now nor have I ever worked for any foreign government. While I am legally permitted to work as a foreign agent, I do not! Any claim of such is completely baseless and totally unfounded. I trust that you will treat it as such.

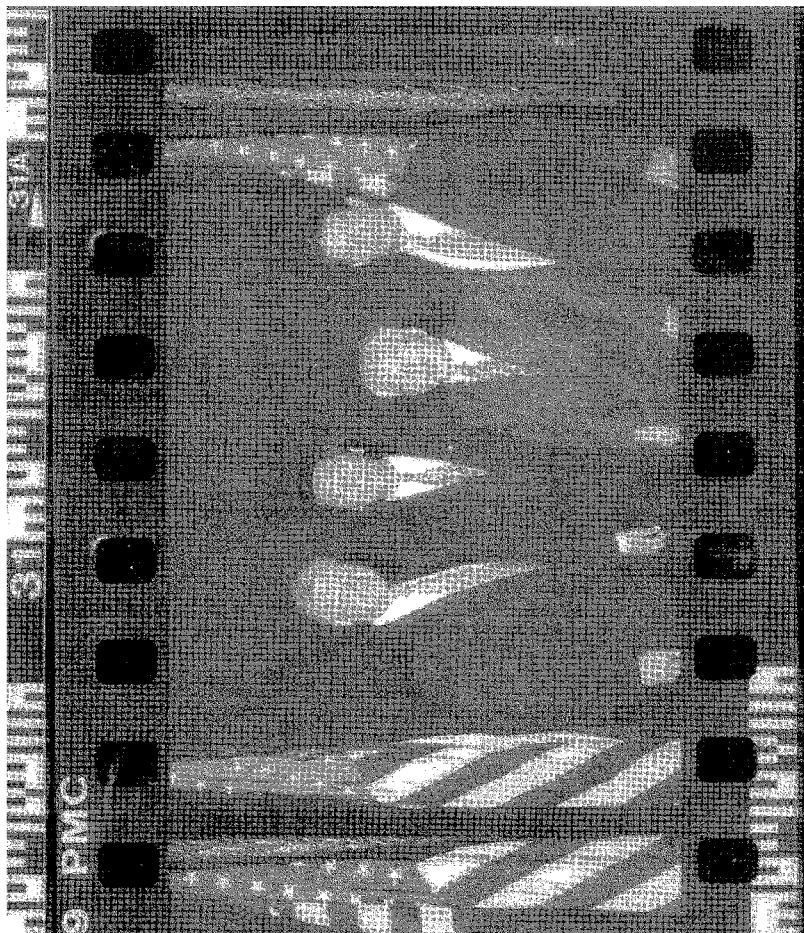
Sir, I am sure that as a respected editor you value your reputation and your personal integrity. I do as well. Given my strong feelings about this, I respectfully request that you verify your story with credible sources before making such serious accusations. Given your professionalism, I'm sure that you will do so.

Again, I apologize for being unable to be with you this past weekend but I look forward to our meeting in person soon.

Sincerely,



Mark E. Middleton





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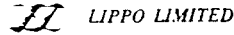
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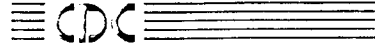
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Karawaci - Tangerang
Tel: (82 21) 546-0280 (Hunting)
546-0282 (Home)
Fax: (82 21) 546-0274



Clyde W. Robinson
Principal Deputy Assistant Secretary
for Trade Development

U.S. Department of Commerce
International Trade Administration (202) 482-1461
14th & Constitution Ave., N.W., Room 3832 (202) 482-1112
Washington, D.C. 20230 Fax: (202) 482-5697



王 文 洋

兩亞科技股份有限公司

總經理
公司：台北市敦化北路201號·台豐大樓
電話：(02) 712-2211

WINSTON WANG ARCS DIC Ph.D.

PRESIDENT

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China International Trust & Investment Corporation

Qin Xiao

President

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Chaoyang District,
Beijing 100004, China

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4665532 (Direct Line)
Fax: 4661186
Tlx: 210026 CTTIC CN

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ATTORNEYS AT LAW

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B.S. (N. T. U.), M.B.A. (Harvard), J. D. (Harvard)
Member, National Assembly

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CHINA EVERBRIGHT INTERNATIONAL
TRUST AND INVESTMENT CORPORATION
Director - President

Wang Yake

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No. 1 Gymnasium Road Chongwen
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7015829

Taipei Economic & Cultural Representative Office

Andrew L. Y. Hsieh

Director of Secretariat

4201 Wisconsin Ave., N.W.
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All-China Federation of Supply and
Marketing Co-operatives

Gu Er Xiong

Vice President

45, Fu Xing Men Nei St.
Beijing, 100801
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Tel: 6018202
6094606
Fax: 6018202

CC-H-001156



Entergy Power Group
Three Financial Centre
900 S. Shackleford Road
Suite 210
Little Rock, AR 72211
Tel 501 954 5018
Fax 501 954 5003

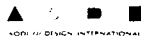
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Merryl R. Burpoe
Deputy Vice President
Investment Development

Overseas Private Investment Corporation
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Victor Liu
President



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ROBERT S. LaRUSSA
Principal Deputy
Assistant Secretary

U. S. & Foreign Commercial Service
U. S. Department of Commerce
14th & Constitution N.W., Room 3802 (202) 482-0725
Washington, D. C. 20230 Fax (202) 482-5012



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Section 2, Taipei, Taiwan, R. O. C.
Tel: (02)504-8136 • (02) 776-3373 ext 11
Fax: (02)504-8138 • (02) 776-4336

Victor Liu
President



Barbara S. Harvey
Minister - Counselor

Embassy of the United States of America
Jl. Medan Merdeka Selatan No. 5, Jakarta 10110
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663-2675

Charles A. Santangelo
Senior Business Advisor
Center for Trade and Investment Services

(202) 663-2680
1-800-USAID-4-U
Agency for International Development Fax: (202) 663-2670
320 21st Street, N.W., Room 100 SA-2 Washington, D. C. 20523-0229 Email: csantangelo@usaid.gov



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FAR EASTERN GROUP

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SEC. 2, TAIPEI, TAIWAN FAX: (02) 736-9621
R. O. C.



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U. S. EXECUTIVE DIRECTOR

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9 ADB AVENUE, MANDALUYONG CITY
CAGUI METRO MANILA, PHILIPPINES
P. O. BOX 789, 0800 MANILA
TEL: 638-0080
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(003) 581-9111

The ChinFon Group
Chi-Chun Huang Foundation
ChinFon Medical Center

Chia Chen Lin M.B. M.Sc. D.P.H. M.S.
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Taipei, Taiwan, Republic Of China
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Chinachem Group

HENG KIM - THIAM
Project Director B Arch, Singapore

王
錦
添

Top Floor, Chinachem Golden Plaza
77 Mody Road, Tsimshatsui East, Kowloon, Hong Kong
Tel: (852) 2311-3100 & 2739-8811
Fax: (852) 2723-5007 & 2311-3080

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CHINFON GLOBAL

Shi H. Huang, M. D.
Chairman of the Board

Tai-Ying Liu Ph.D.
CHAIRMAN

CHINFON GLOBAL CORP.
14th Floor, ChinFon Building, 180 Chung Hsiao E. Rd.,
Sec. 4, Taipei, Taiwan, ROC
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TAIPEI, TAIWAN (02) 369-808C
REPUBLIC OF CHINA FAX: (02) 362-9087



Ertharin Cousin
Director
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Department of State
Washington, D.C. 20520

(202) 647-482
(202) 647-582



莊勝集團有限公司
JUNEFIELD (HOLDINGS) LIMITED

周建和
CHOW KIN WO
President

香港新運廣場二樓255-257號樓層31-33室
Room 3002-5, 30, F, Sino Plaza 255-257 Gloucester
Causeway, Hong Kong. Tel: 48029, 4170 -
Tel: 852 2573 2345 Fax: 852 2573 2325 2573 23

202 963 8082 FROM DEMOCRATIC NATIONAL COMMITTEE 2028638082 10.20.1995 17:33 P. 1

DEMOCRATIC NATIONAL COMMITTEE

Donald L. Fowler National Chair

Christopher Genna

FAX COVER SHEET

TO: Ari Swiller
OF:
FROM: Ann Brazier
OF PAGES: 3
DATE: 10/20

IF THERE IS A PROBLEM WITH THIS FACSIMILE, PLEASE CALL 202/963-8080.

MESSAGE:

This information is being furnished to you by telephone and is confidential information intended only for the use of the individual or entity named above. If the receipt of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this message is strictly prohibited. If you have received this message in error, please immediately notify us by telephone and dispose of the original message. Thank you.

EXHIBIT 28

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DNC 3354650

MEMORANDUM

TO: Richard Sullivan
Ari Swiller

FROM: Ann Brazier

DATE: October 20, 1995

SUBJECT: AR Fundraising

Mark Middleton spent some time with me and pledged to help in raising money. Most of his contacts will be raised into Trustee and Managing Trustee Councils, and he was also very interested in the Asian Pacific American Leadership Council. He also gave particular insight into Arkansas donors and targeting. Based on some database and prospecting lists, he made suggestions on calls for Truman, Joe Giroir, Paul Berry and Richard Mays. We also targeted donors and calls to make. Listed below are the results.

Truman Calls
John Allison
Bill Bowen
Charles Murphey
Mike and Beth Coulson

Joe Giroir Calls
Paul Berry
David Banks

Paul Berry Calls
Herbert McAdams

Richard Mays Calls
Ernest Joshua
John Walker

Other Calls:
 San Angel \$5k
 Bob Bogle \$10k
 Mark Cambiano \$20k
 Richard Hill
 Ben Hogan DBC
 Ret Hudson Trustee
 Bobby Herrniech Trustee
 Jack Williams DBC
 Ben Allen NFC
 E.J. Ball NFC
 Don Beavers DBC
 Richard Bell DBC
 Greg Btown NFC
 James Dyke Trustee
 Harry Erwin numerous \$1k
 Dick Herget DBC
 Frank Higginbotham DBC
 Kaki Hoekersmith NFC
 J.B. Hunt Trustee
 William Hurt DBC
 Percy Malone DBC
 Charles Morgan DBC
 Thomas Blaney Trustee
 Don Munro Trustee
 J.T. Rose DBC
 Charles Scharlau DBC
 Randy Warner
 Michael Wilson DBC and raise

Raising Calls:
 Linburn Carlisle
 George Jernigan
 Earl Jorjes
 Sam Petroni

END

 DNC 3354652

MEMORANDUM

TO: Mark Middleton
FROM: Ann Brazier
DATE:
SUBJECT: Arkansas Follow-up

Again, it was great to meet with you--I appreciate your help. Some answers to your questions:

1. Enclosed are papers on the Women's Leadership Forum and the enw Asian Pacific American Leadership Forum. Let me know if you want to put people in them and I will get them registered.
2. Per DBC people, Larry Wallace has written \$45k (personal) and has also raised a substantial amount for Re-elect.
3. Here are some more prospects/past donors that we couldn't identify. Do you have any information or advice on them?

Mr. James Riotti
Arkansas International Development Corp
\$25k in 1993

Mr. John Allison
Capital Buyers
\$10k in 1992
We've already discussed that he is a Truman call.

Mr. B.W. Chassin
President
Consumers Protective Life
\$25k in 1992

Mr. Frank Henderson, II
HSI

 DNC 3459173



Confidential Information

\$10k in 1993

Ms. Ann M. Pappas
Physician/ Little Rock
\$10k in 1992

Mr. Charlie Trie
San Kin Yip International Trading Company
\$15k in 1994
You requested the person behind this.

Mr. Scott Hembree
Trans-States Lines, Inc
\$10k in 1992

Mr. H.R. Wilbourn, III (Hugh)
Alltell
\$10k in 1992

Mr. Frank Maestri
Willis Shaw Express
Elm Springs, AR
\$15k in 1994

I will be in touch soon to go over these additional calls.

 DNC 3459174

Confidential Information

COMMERCE CORP 07-95
 PHONE: 202-737-9305
 1455 PENNSYLVANIA AVE. NW
 SUITE 560
 WASHINGTON, DC 20004

177
 15-1205-00

5/22 1996

PAY TO THE ORDER OF Charles Lee \$ 5000.00

five thousand dollars DOLLARS

NationsBank
 NationsBank, N.A.
 Washington, D.C.

FOR Mark Middleton

⑈0001??⑈ [REDACTED] ⑈0000500000⑈

True Copy - Lin

264 N/BIGGS CSHD CHK
 23MAY96 5,000.00
 13:02

0560-0738-7
 NY 96 24

10852700
 ⑈000000⑈
 Funds Identifier @ 1-800-888-8888
 Funds a/c only - no cash

EXHIBIT
 30

163

COMMERCECORP INTERNATIONAL
1455 PENNSYLVANIA AVENUE
SUITE 560
WASHINGTON, D.C. 20004
TEL: (202) 737-9305
FAX: (202) 737-9319

TELECOPIER TRANSMITTAL

Please deliver the following material as soon as possible.

TO: James Riady
FROM: Mark Middleton
DATE: Oct 27, 1995
NUMBER OF PAGES TO FOLLOW: 2

We are transmitting from an AT&T 3500D Automatic Telecopier. Please call (202) 737-9300 if there is a problem with this transmittal.

NOTES:

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CC-H-000484

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1455 PENNSYLVANIA AVENUE
SUITE 500
WASHINGTON, DC 20004
TEL: (202) 737-9305
FAX: (202) 737-9319

October 27, 1995

Mr. James T. Riady
Deputy Chairman
Lippo Group
Menara Asia, Lt. 8
Ji Diponegoro Kav. 101
Lippo Karawaci
Karawaci, 15810 Tangerang
Indonesia

Dear James,

I hope that you are having a productive week and are very happy. Things in Washington are as hectic as ever but, overall, going well.

I attended the Asia Society dinner last night in New York honoring President Soeharto and it was a big success. On two separate occasions, I spoke to President Soeharto and mentioned how helpful you have been to him here in Washington. He certainly seemed to be very appreciative of your efforts.

Today, I will again see President Soeharto at lunch at Ambassador Siregar's residence. Hopefully, we'll have some private time together to discuss matters helpful to both countries. As you know, his meeting with President Clinton takes place on Friday morning and should be a big success.

REDACTED In the interest of keeping you updated on my activities, the is coming to Washington to meet with me on Monday. It appears that they are interested in seeking assistance with their pulp and paper operations. At this time, I don't know what they have in mind, but I'll keep you posted.

I got a short note back from Fadel but it appeared to have been drafted by his secretary. As such, if you or Joe have the chance would you please inform him of my recent correspondence.

~~CONFIDENTIAL~~

CC-H-000485

165

James T. Riady
October 27, 1995
Page two

Hopefully, your schedule will permit us to get together when I come to Jakarta in mid-November. You are a true friend; thank you for all of your help.

Very personally,



Mark E. Middleton

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CC-H-000486

COMMERCECORP INTERNATIONAL
1455 PENNSYLVANIA AVENUE
SUITE 500
WASHINGTON, D.C. 20004
TEL: (202) 737-9305
FAX: (202) 737-9319

October 19, 1995

Mr. Joe Girior
President
Arkansas International Development Corporation
111 Center Street, Suite 1900
Little Rock, AR 72201

Dear Joe,

The Minister of Commerce from the embassy of India sent me the enclosed document yesterday. As you will find, it includes a short article of relevance and a list of companies engaged in the industry.

Ambassador Ray is a personal friend of mine and he has agreed to be helpful in any way needed. Let me know if you want his involvement.

Marvin Rosen called me yesterday to inquire about John Huang's starting date. I relayed the inquiry to John and he was going to call Marvin. In short, it appears that the arrangement is moving forward and there is a strong interest in John becoming a part of the team.

If you get a chance, would you please have your assistant forward my October retainer. In fact, it might be easiest if we set up an automatic transfer arrangement. I'll provide you with my account information if acceptable.

I'm sorry that you didn't make it to Washington. Please stay in close touch and let me know if I can help you.

Personally,



Mark. E. Middleton



AIDC 000077

167

COMMERCECORP INTERNATIONAL
1455 PENNSYLVANIA AVENUE
SUITE 560
WASHINGTON, D.C. 20004
TEL: (202) 737-9305
FAX: (202) 737-9319

February 26, 1996

Mr. Joe Girior
Arkansas International Development Corp.
111 Center Street, Suite 1900
Little Rock, AR 72201

Dear Joe,

I hope that you had another successful trip to Jakarta. I'm not sure who is winning the "frequent flyer award" but I'll gladly capitulate.

Thank you for the February retainer and for the support. It is very helpful since re-elect issues are keeping me more and more busy.

As you likely know, John Huang hosted a very successful event for the President this week. Both the President and Marven Rosen commented to me about the great job that John is doing. I hope you will relay that message.

I have a couple of new companies that are interested in Indonesia and I will keep you updated after we get past the preliminary stages. Meanwhile, if I can be of help to you in any respect, please call me.

Thank you again.

Personally,

Mark

Mark E. Middleton



AIDC 000076

MEMORANDUM

TO: Mack McLarty
FROM: Mark Middleton
RE: Monday Meeting
DATE: 9/6/96

Many thanks to you for your expeditious assistance. It is appreciated and remembered.

The meeting participant is currently staying at the Four Seasons Hotel in New York (212-758-5700), he can be reached at that number until Saturday morning. His Washington DC reservation is at the Hay Adams Hotel (202-638-6600) where he is expected to arrive on Saturday evening.

If I can be helpful in facilitating the Monday meeting, I stand ready to be of assistance. Again, I appreciate your help.



CC-H-000157



16th and H Streets, N.W., One Lafayette Square, Washington, D.C. 20006 • Telephone: 202-638-6600 Fax: 202-638-2716 Toll Free: 800-424-5054

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 WASHINGTON, DC No. in Party 395.00
 20004 Rate

Acct. No.	Date	Description	Room #	Amount
502032			504	
3	9/08/96	TELEPHONE-L' DIST/504/9082988014/1/4 17:05/8007423333		1.00
4	9/08/96	TELEPHONE-L' DIST/504/9082989001/1/4 17:21/8002332742		1.00
5	9/08/96	TELEPHONE-L' DIST/504/9082990005/1/4 17:22/8007423333		1.00
6	9/08/96	TELEPHONE-L' DIST/504/9083060007/1/4 21:23/6221546054		41.47
7	9/08/96	ROOM CHARGE/504/1/1/4		395.00
8	9/08/96	ROOM TAX/504/1/1/4		51.35
9	9/08/96	ROOM OCCUPANCY TAX/504/1/1/4 OCCUPANCY TAX		1.50
10	9/09/96	TELEPHONE-LOCAL/504/9093169003/1/4 07:46/4795115		1.00
11	9/09/96	TELEPHONE-LOCAL/504/9093179008/1/4 07:56/2322626		1.00
12	9/09/96	TELEPHONE-LOCAL/504/9093181001/1/4 08:04/8951950		1.00

CONTINUE...

OK'd By: _____ Company _____ Street _____ City _____ State _____ Zip Code _____

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 20004 Rate

Acct. No.		Room #			Amount
#	Date	Description			
13	9/09/96	TELEPHONE-L' DIST/504/9093189003/1/4 08:10/8007423333	502032	504	1.00
14	9/09/96	TELEPHONE-LOCAL/504/9093190002/1/4 08:18/4825301			1.00
15	9/09/96	TELEPHONE-L' DIST/504/9093199007/1/4 08:13/6221769023			41.47
17	9/09/96	TELEPHONE-LOCAL/504/9093204002/1/4 08:22/7035164809			1.00
18	9/09/96	TELEPHONE-L' DIST/504/9093221012/1/4 08:20/6221546255			62.96
19	9/09/96	TELEPHONE-LOCAL/504/9093231001/1/4 08:39/7281192			1.00
20	9/09/96	TELEPHONE-L' DIST/504/9093234006/1/4 08:36/6221546178			37.17
21	9/09/96	TELEPHONE-LOCAL/504/9093240004/1/4 08:40/2966726			1.00
22	9/09/96	TELEPHONE-LOCAL/504/9093251001/1/4 08:49/7281192			1.00

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 WASHINGTON, DC No. in Party 395.00
 20004 Rate

Acct. No.	Date	Description	Amount
502032		Room # 504	
#	Date	Description	Amount
23	9/09/96	TELEPHONE-L' DIST/504/9093256010/1/4 08:42/6221750317	54.36
24	9/09/96	TELEPHONE-L' DIST/504/9093259003/1/4 08:52/6221546178	24.28
25	9/09/96	TELEPHONE-L' DIST/504/9093395003/1/4 11:03/8002258900	1.00
26	9/09/96	TELEPHONE-LOCAL/504/9093483002/1/4 12:50/7379305	1.00
27	9/09/96	TELEPHONE-LOCAL/504/9093492002/1/4 12:57/7379305	1.00
28	9/09/96	TELEPHONE-L' DIST/504/9093503003/1/4 13:06/2132836666	8.17
29	9/09/96	MINI BAR/504/48302/1/4	9.08
30	9/09/96	TELEPHONE-LOCAL/504/9093507005/1/4 13:09/4795115	1.00
31	9/09/96	TELEPHONE-LOCAL/504/9093511006/1/4 13:14/4885079	1.00

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 WASHINGTON, DC No. in Party 395.00
 20004 Rate

Acct. No.	Date	Description	Amount
502032		504	
#	Date	Description	Amount
32	9/09/96	TELEPHONE-L' DIST/504/9093518003/1/4 13:19/3104456825	8.17
34	9/09/96	TELEPHONE-LOCAL/504/9093520001/1/4 13:22/8637187	1.00
35	9/09/96	TELEPHONE-LOCAL/504/9093522001/1/4 13:23/2258220	1.00
36	9/09/96	TELEPHONE-L' DIST/504/9093525002/1/4 13:25/213283666	7.44
37	9/09/96	TELEPHONE-L' DIST/504/9093532007/1/4 13:26/8182894499	11.10
38	9/09/96	TELEPHONE-L' DIST/504/9093542005/1/4 13:35/8007423333	1.00
39	9/09/96	TELEPHONE-L' DIST/504/9093565006/1/4 13:47/8002258900	1.00
40	9/09/96	TELEPHONE-L' DIST/504/9093568001/1/4 13:54/213283666	6.70
41	9/09/96	TELEPHONE-L' DIST/504/9093570002/1/4 13:56/8002258900	1.00

CONTINUE...

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 Company _____ Street _____
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 WASHINGTON, DC No. in Party 395.00
 20004 Rate

Acct. No.	502032	Room #	504		
#	Date	Description		Amount	
42	9/09/96	TELEPHONE-L1 DIST/504/9093573001/1/4 13:58/8182445089		6.70	
43	9/09/96	FACSIMILE TRANS/504/502032/1/4/2FAXS		30.62	
44	9/09/96	AMERICAN EXPRESS/ [REDACTED]		819.54	
		C/O CLERK-SB	* BALANCE DUE *		.00
		TIME-15:25	CONFIRMATION # 3598817		

Ok'd _____
 By: _____
 Company _____
 Street _____
 City _____ State _____ Zip Code _____

I agree that my liability for this bill is not waived and agree to be held personally liable in the event that the indicated person, company or association fails to pay for any part of the full amount of these charges.

Signature _____

174

June 19, 1995

Dr. Hasim Nings
Alexandria, Virginia

Dear Hasjam:

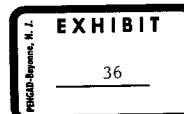
I was so sorry to learn of your health
problems. You are in my thoughts and prayers
during this difficult time.

Sincerely,

BILL CLINTON

BC/MS/SH/ws (Corres. #2299301)
P-102

DO NOT MAIL
RETURN TO: Yusuf Khapra, 174 OECS



DO NOT WRITE IN THESE SPACES
DNC 1227204

DR. H.M.N.M. HASJIM NING

September 05, 1995

*To
John*

The Honorable
President Bill Clinton
The White House
Washington D.C.
U S A

Dear Mr. President,

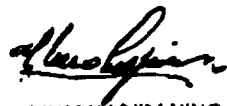
It is so thoughtful of you to think about me when I was recovering from the surgery in Washington D.C. three months ago. I thank you for your prayers and concern. I also thank you for sending Mr. Mark Middleton to visit me at that time.

I want you to know that my recovery is progressing rather well, to the extent that the doctor allowed me to travel all the way back to Jakarta, Indonesia last week.

I look forward to the opportunity to meeting you in person at a future opportunity and certainly wish you continued success with all your programmes.

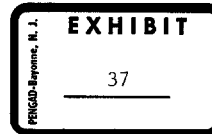
May God bless you and your family.

Yours sincerely..



DR. HMNM HASJIM NING

JRN



110000 20000 30000 40000 50000 60000 70000 80000 90000 100000
DNC 1227205

November 8, 1995

Dr. H.M.N.M. Hasjim Ning
Jakarta
INDONESIA

Dear Hasjim:

I was pleased to get the encouraging news about your health. You have been in my thoughts, and Hillary joins me in sending best wishes for your continued recovery.

BILL CLINTON A

Sincerely,

BC/JPD/JB/JRS;/ckb (Corres. #2550797)
(11.ning.h)

SENT TO:
Mr. Mark Middleton
Commarc Corporation
Suite 560
1455 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

991198



||||| DNC 1227206

SINAR MAS AGENDA

Tuesday 10/31/95

8:00am-8:45am

Breakfast with Mr. Mark Middleton.
Willard Hotel.

REDACTED

10:15am-11:00am

Meeting with the White House Deputy
Chief of Staff, Mr. Erskin Bowles. (In
case of postponement, meet with Mr. Bill
Boardman at Mr. Middleton's office).

11:00am-11:30am

Meeting with Greg Simon, Domestic Policy
Advisor to Vice President Al Gore. The
White House - Vice President's
Ceremonial Office.

11:50am-12:00nn

Meeting with First Lady Hillary Clinton.
Participants: Mr. Mark Middleton, Mr.
Oei Tjia Goan and Ms. Sukma Widjaja.

12:00nn-1:15pm

Lunch at The White House.

1:15pm-1:45pm

Tour of The White House.

7:00pm

Dinner at Hay Adams Hotel (Special
guests include: Mr. Mack McLarty

REDACTED

Wednesday 11/01/95

REDACTED



10:15am-11:00am

Meeting with Mr. Don Fowler, Chairman of
Democratic National Committee.

11:15am-12:15pm

Meeting with Mr. Joe Grandmaison,
Chairman Trade Development Agency.
1621 N. Kent Street, Arlington, VA.

CONFIDENTIAL

CC-H-000464 -UR

12:30pm-1:30pm Lunch.

2:00pm-2:45pm Meeting with John Garamendi, Deputy Secretary of Department of Interior. 1849 C Street, Room 5100, C Street Entrance.

3:15pm-4:15pm Meeting with senior officials at Environmental Protection 401 "M" Street.

5:30pm-6:00pm Meeting with Secretary of Commerce Ron Brown.

Thursday 11/02/95

8:00am-12:00nn Open.

REDACTED

2:00pm-2:30pm Meeting with Mr. Ken Brody, Chairman of U.S. EXIM Bank.

4:00pm-4:30pm Meeting with Ms. Jan Piercy, U.S. Executive Director of World Bank and other senior World Bank officials.

6:30pm- Tentatively setting up a meeting with The President outside of The White House (Mr. Mark Middleton suggested that only Mr. Oei Tjie Goan and Ms. Sukma Widjaja attend).

Friday 11/03/95

8:00am-11:00am Open.

11:00am-11:45am Meeting with Ruth Harkin, Chairperson of Overseas Private Investment Corporation.

12:00-1:30pm Meeting with Mr. Matt Gorman, Director of Business Liason for U.S. Department of Treasury.

2:00pm-3:00pm Meeting with Mr. Larry Summers, Undersecretary of Commerce.

7:30pm Kennedy Center Presidential Box to watch Ballet or Opera.

CONFIDENTIAL

CC-H-000465-UR

Saturday 11/04/95

Travel.

CONTACT INFORMATION:

Mr. Mark Middleton
1455 Pennsylvania Avenue, NW
Suite 560
Washington, DC 20004
Work: 202-737-9300
Home: 202-296-1712
Pager: 1-800-719-7535

CONFIDENTIAL

CC-H-000466 -UR

INCOMING WIRE TRANSFERS FOR MARK MIDDLETON FROM ASIA PULP & PAPER

DATE	ORIGINATOR	ORIGINATING BANK	AMOUNT	WIRE NUMBER
12/11/96	Asia Pulp and Paper Co., Ltd.	Development Bank of Singapore	24,988.00	SE961211023050000
11/4/96	Asia Pulp and Paper Co., Ltd.	Development Bank of Singapore	24,988.00	SE961104024496000
9/27/96	Asia Pulp and Paper Co., Ltd.	Bank International Indonesia (Chase Manhattan - Intermediary Bank)	499,985.00	SE960927013650000
9/9/96	Asia Pulp and Paper Co., Ltd.	Development Bank of Singapore	41,447.85	SE960909028273000
8/6/96	Asia Pulp and Paper Co., Ltd.	Development Bank of Singapore	24,851.16	SE960806026533000
7/3/96	Asia Pulp and Paper Co., Ltd.	Development Bank of Singapore	24,988.00	SE960703030756000
6/6/96	Asia Pulp and Paper Co., Ltd.	Development Bank of Singapore	24,988.00	SE96060625588000
5/15/96	Asia Pulp and Paper Co., Ltd.	Development Bank of Singapore	23,655.68	SE960515028598000
4/24/96	Asia Pulp and Paper Co., Ltd.	Development Bank of Singapore	23,116.67	SE960424028361000
3/5/96	Asia Pulp and Paper Co., Ltd.	Development Bank of Singapore	49,988.00	SE960305021228000
1/24/96	Asia Pulp and Paper Co., Ltd.	Development Bank of Singapore	100,000.00	SE960124032716000

TOTAL \$862,996.36




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29 ICN: SE960927013650000
30 Date Created: 09/27/96 Time Created: 9:27:09:01 Value Date: 09/27
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34 Ord Cust Acct: Name: ASIA PULP AND PAPER CORP C
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36 Inter Acct: Name:
37 Send Corr Acct: Name:
38 Recv Corr Acct: Name:
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41 Details Of Payment: Bank To Bank:
42 $15.00 FEES DED CMB REF 6881400271J
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**SCHEDULE OF THE PRESIDENT
FOR
THURSDAY, NOVEMBER 2, 1995
FINAL**

COPY

EOP 058527

REDACTED



REDACTED

EOP 058528

6:45 pm

THE PRESIDENT departs the White House via motorcade en route the National Museum of Women in the Arts
[drive time: 10 minutes]

REDACTED

EOP 058529

6:55 pm
 8:59
 7:03 → THE PRESIDENT arrives the National Museum of Women in the Arts
 Greeters: Monte Friedkin, National Chairman, National Jewish Democratic Council
 Jeff Hirschberg, Chair, Hubert Horatio Humphrey Humanitarian Award
 Elizabeth Schraye, Acting Executive Director, National Jewish Democratic Council

7:07
 7:00 pm-
 7:37 pm 7:40
 7:10 → REMARKS
 7:15
 RECEIVING LINE WITH MEMBERS OF THE NATIONAL JEWISH DEMOCRATIC COUNCIL
 THIRD FLOOR GALLERY
 National Museum of Women in the Arts
 Event Coordinator: Nicole Elkon
 Staff Contact: Alexis Herman
 WHITE HOUSE PHOTO ONLY
 1 SEN
 2 SEN + CHAIRS
 3 R/LINE

7:48
 8:15 pm 8:20
 NATIONAL JEWISH DEMOCRATIC COUNCIL GALA
 GREAT HALL
 National Museum of Women in the Arts
 Remarks: Carolyn Curiel
 Event Coordinator: Nicole Elkon
 Staff Contact: Alexis Herman
 OPEN PRESS

7:48 → Off-stage announcement of the President, accompanied by the 1995 NJDC Award Recipients and the General Chairman of the DNC, Senator Christopher Dodd.

7:49 → Monte Friedkin makes welcoming remarks.

7:51 → Jeff Hirschberg makes brief remarks, introduces the President and presents him with a gift.

7:59 → The President accepts the gift and makes remarks.

Upon conclusion of remarks, the President departs. no ropeline

8:20 pm 8:21
 THE PRESIDENT departs the National Museum of Women in the Arts via motorcade en route the Sheraton Carlton
 [drive time: 10 minutes]

EOP 058530

REDACTED

REDACTED

EOP 058531

REDACTED

EOP 058532

8:30



~~DOTUS PHOTO-GREET~~

- 1) Sukmawati Widjaja
- 2) Teguh Widjaja
- 3) Wenny Limantare

October 30, 1995

MEMORANDUM FOR HILLARY RODHAM CLINTON

FROM: Brenda Costello
SUBJECT: Briefings for Tuesday, October 31

Nina Wang Drop-by

- Briefing
- Bio on Mrs. Wang
- Background on The Chinachem Group

Widjaja Drop-by

- Briefing
- Background on Widjaja family business
- "The Chinese Tycoons Start Hunting for Cover," Business Week, 3/27/95

WLF Luncheon

- Briefing
- Guest list and brief descriptions for private reception
- Table diagram
- Profiles of guests seated at HRC's table
- VIP guest list
- "Clinton Administration Accomplishments on behalf of Women"
- "Clinton Administration Accomplishments, 10/95"

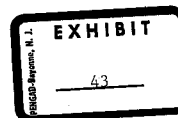
Women's Bureau Event

Remarks

- Women's Leadership Forum Luncheon
- Women's Bureau Event

REDACTED

EOP 050203



October 30, 1995

DROP-BY WITH MRS. NINA WANG

DATE: Tuesday, October 31
TIME: Map Room
LOCATION: 11:40 am
FROM: Brenda Costello

I. PURPOSE

To meet briefly with Mrs. Nina Wang as a courtesy visit.

II. BACKGROUND

As you may recall, Mrs. Nina Wang flew to the U.S. to meet with you prior to the Women's Conference in Beijing. According to Mark Middleton, Mrs. Wang's request for a meeting was forwarded via Sen. Mitchell, Tom Hoong, and a number of close friends.

Mrs. Wang is interested in sharing her commitment to women's rights issues and in offering her assistance to you personally (see additional background attached).

III. PARTICIPANTS

HRC
Mark Middleton
Nina Wang
Sen. Mitchell

IV. SEQUENCE OF EVENTS

Drop-by only.

V. PRESS

Closed press.

VI. REMARKS

No remarks necessary.

MRS. NINA WANG

Mrs. Nina Wang is the Chairlady and a substantial shareholder of the Chinachem Group. The Chinachem Group is one of the largest private real estate developers in Hong Kong with investment and development floor area of over 10 Million sq.ft. The Chinachem Group also holds a substantial investment portfolio in listed and unlisted companies in Hong Kong, China and overseas, such as over 27% in Asia Securities International Ltd (Listed in Hong Kong), 20% in Pokfulam Development Ltd (listed in Hong Kong) and 12.5% in Chelsfield PLC (listed in UK). Chinachem Group has announced to build the tallest building in the world (Nina Tower - named after its chairman, Nina Wang) in Hong Kong with 468 meters high. Chinachem Group also has investment in power plant, meat processing factory in China and has entered into Letter of Intent to develop a 32 million sq.ft. Business Park in Zhouzhou, off Beijing city and to renovate the world renown Peace Hotel in Shanghai. Chinachem Group has a good business relationship with Teka Industrial S.A. and is negotiating on a long co-operation. Chinachem's reference Bank in Germany is Westdeutsche Landesbank.

Mrs. Wang is a director of Chelsfield (UK) PLC of 67 Brook Street, London W1Y 1YE.

Mrs. Wang is a director of FPB Bank Holding Company Limited (listed in Hong Kong) and the holding company of First Pacific Bank Limited) of 22nd Floor, First Pacific Bank Building, 56 Gloucester Road, Hong Kong.

Mrs. Wang is a Fellow of the World Fellowship, The Duke of Edinburgh's Award, 19 St. Jame's Square, London, SW1Y 4JG.

Mrs. Wang is a founder and governor of chinachem Charitable Foundation Limited, an approved charity, which has made substantial donations and grants for charity purposes.

Mrs. Wang is a Vice President and director of the Real Estate Developers Association of Hong Kong.

Mrs. Wang is a honorary professor of Economic of Beijing University.

Mrs. Wang is a honorary director of Foreign Affairs College, China.

THE CHINACHEM GROUP

The origins of the Chinachem Group ("the group") can be traced to China United Chemical Company, an importer and distributor of chemicals, which was founded in Shanghai before the second World War.

The Group diversified its business from chemicals to plastics (such as polystyrene and polyethylene) and animal feed, and had become the local distributor for several major United States supplies of such products. During the early 1960's, these trading activities were gradually phased out as increasing emphasis was placed on the more profitable property development business.

The Group's first involvement in the Hong Kong property sector came in 1960 with an investment in a Kwun Tong residential project managed by another group which was completed in 1963. The first wholly owned property, the Wah Mow Industrial Building, was developed on a site purchased in October 1961 and was completed in July 1964.

In the late 1960's, the Group realised that there was a demand for small to medium sized residential properties and foresaw the potential of the New Territories for future residential development. The Group therefore commenced the development of such residential properties, especially in the New Territories. At that time, medium to long term financing for home purchases was difficult to obtain and the Group started to provide instalment payment schemes to assist purchases of its properties. Currently the Group has outstanding instalment receivable of exceeding HKD3.3 billion (USD427 million) in respect of properties sold.

In July 1969 a site at Pat Heung, Yuen Long was acquired and was exchanged with the Government in July 1972 for a 304,950 sq.ft. site at Tsing Lung Tau, Castle Peak. Between July 1972 and July 1979 an additional 1,178,000 sq.ft. of land around the original Tsing Lung Tau grant was acquired. This site has been progressively developed and will, on completion within the next few years, have provided 2,300,000 sq.ft. of residential space and 44,700 sq.ft. of commercial space. Land adjacent to this site is being acquired to enlarge the project further.

...../2

EOP 050206

By the mid 1970's Shatin had become a major satellite town and the Government announced plans for the development of the second Lion Rock Tunnel. Realising the potential of the area the Group started to expand its landbank there. In the last decade 20 sites with an aggregate site area of over 1.8 million sq.ft. have been acquired. Currently 15 of these sites, including Belair Gardens, Hilton Plaza, Shatin Park Phases I, II and III, Lucky Plaza, Pictorial Garden, Phase I, II & III and certain industrial developments in Fo Tan have been developed, providing an aggregate gross floor area of over 10 million sq.ft. These developments have made the Group one of the largest developers in the Shatin area. In addition, with its other New Territories residential and commercial developments such as the Tsing Lung Tau site, the Wah Tat site in Kwai Chung, and its office/commercial joint venture developments in the urban areas of Hong Kong Island and Kowloon, such as Red Hill Peninsula, Energy Plaza, Mandarin Plaza, Hollywood Plaza, Fairmont House and Far East Finance Centre, the Group also became one of the largest property developers in Hong Kong.

In 1984, a site in Tsimshatsui East was acquired by auction from the Government. The construction of the Group's first major wholly-owned commercial building, Chinachem Golden Plaza, on this site commenced in late 1985 and was completed in February 1988. To comply with height restrictions in the Tsimshatsui area and to realize the full potential of the site, advanced building techniques were applied in order to construct five levels of basement (including one level of commercial space and four levels of car parking spaces). As a result, the building has one of the highest construction area/site ratios in the Tsimshatsui East area, providing 660,000 sq.ft. of rental space and 320 car parking space. This building is the flagship of the Group and houses its head office on the top floor.

Over the last 30 years the Group has participated in over 200 property development projects in Hong Kong. Since 1994, the Group acquired several prime commercial sites in Central business district for investment and redevelopment including Wing On Life Building, Wing On Central Building, Wang Kee Building, Onfem Centre for value of over HKD4 billion (USD517 million). The Group has announced to build the tallest building in the world (Nina Tower - named after its chairman, Nina Wang) in Hong Kong with 468 meters high.

The Group has also diversified its business into China, and has invested in Power Plant and food processing plant in Henan Province in Central China. The Group has also signed Letter of Intent to develop a 32 million sq.ft. business park in Zhouzhou, off Beijing City and to renovate the world renown Peace Hotel in Shanghai, China.

The Group also has a substantial investment portfolio in listed and unlisted investment, such 27% in Asia Securities International Ltd (listed in Hong Kong), 20% in Pokfulam Development Ltd (listed in Hong Kong), 12.5% in Chelsfield PLC (listed in UK), 21% in Seacorp Capital Corporation (listed in Vancouver).

The Group has very good business relationship with many international banks and reference may be obtained from The Sanwa Bank Ltd, Hong Kong Branch (Attn: Mr Chandler Choy), Westdeutsche Landesbank, Hong Kong Branch (Attn: Mr. Thomas K. Wong), The Chase Manhattan Bank N.A., Hong Kong Branch (Attn: Mr. Sonny Leung) and The Bank of East Asia Ltd. Head Office (Attn: Mr. David K. P. Li).

EOP 050207

TOTAL P.04

October 30, 1995

DROP-BY WITH WIDJAJA FAMILY

DATE: Tuesday, October 31
TIME: 11:50 am
LOCATION: Diplomatic Reception Room
FROM: Brenda Costello

I. PURPOSE

To meet briefly with Tegugh and Sukma Widjaja as a courtesy visit.

II. BACKGROUND

According to Mark Middleton, the Widjaja family is a very prominent Asian family who was introduced to Mark through Alice Walton. The family has substantial business interests in the United States and wants to be helpful to the Administration in a number of ways. The Widjaja's have no personal agenda; this meeting is just a courtesy meeting. Information of the family business is attached as background.

III. PARTICIPANTS

HRC
Mark Middleton
Mr. Tegugh Widjaja (Ta-Goo Wee-ji-a)
Mrs. Sukma Widjaja (Sook-ma)

IV. SEQUENCE OF EVENTS

Drop-by only.

V. PRESS

Closed press.

VI. REMARKS

No remarks necessary.

CORPORATE HISTORY



From humble beginnings four decades ago as an edible oils trader, Sinar Mas has grown into a diversified group with a multinational outlook. This dynamic growth has been essentially built around four core businesses. The four core businesses are:

- Pulp and Paper
- Financial Services
- Agribusiness, Foods & Consumer products
- Real Estate and Property Development

In each of its core businesses, Sinar Mas has established itself as a dominant player. Each Sinar Mas business is set up as a separate and independent profit centre, managed and operated by key Sinar Mas executives and professionals of appropriate disciplines from various nationalities.

In addition to these core businesses, Sinar Mas enjoys many joint ventures and business alliances with other multinational corporations around the world.

In its core businesses alone, Sinar Mas employs upwards of 40,000 people. Public listings of Sinar Mas Group of companies has broadened the ownership and attracted participation of many large and small investors.

SHAREHOLDERS/DIRECTORS (from left to right):
 Tuguh Ganda Widjaja, Franky Gusman Widjaja (standing),
 Sumartono Widjaja, Frankie Djefar Widjaja (standing),
 Indra Widjaja and Muktio Widjaja.

PULP AND PAPER



Dr. Teguh Ganda Widjaja



Sinar Mas Group is a leading producer of pulp and paper. It commands a dominant share of the printing and writing paper market in Indonesia and Southeast Asia. It exports quality paper to over 80 countries. Through its companies PT Indah Kiat Pulp and Paper Corporation and PT Pabrik Kertas Tjiwi Kimia, Sinar Mas is the largest fully integrated pulp and paper manufacturer in Asia outside Japan.



Tjiwi Kimia is the world's largest fully integrated manufacturer of paper based stationery products, and produces all its merchandise in one plant site. Recently, Tjiwi Kimia has successfully introduced NCR (carbonless paper).

As a further indication of the size of this segment of Sinar Mas activities, IKPP alone commands a remarkable 25% of the domestic market in Kraft and medium paper. It is also making considerable inroads into the carton box manufacturing sector.

Sinar Mas is also a leading producer of coated art paper and board (printing and writing paper categories). Sinar Mas also produces consumer paper products including tissue and toilet papers.

Recognising the importance of environmental protection, Indah Kiat and Tjiwi Kimia emphasize ecology and pollution control through their pollution control techniques and waste management procedures. From their earliest days, industrial pollution control programs have been in place.

The Group's well planned forest management practice is both commercially wise and environmentally beneficial. Currently, Sinar Mas pulp and paper operations are the largest in Indonesia.

With more than a decade's experience in conservation, the Group's pulp and paper division has stepped up its vigorous campaign to make them the most environmentally conscious company in Asia.



Tjiwi Kimia and Indah Kiat are public listed companies on the Jakarta Stock Exchange.



EOP 050207C

FINANCIAL SERVICES



Eka Tjipta Widjaja
President, Comptroller & Chairman



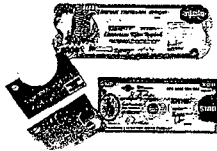
Indra Widjaja, President Director



Hjet Tjondradjaja,
Vice President Director



A.T. Montaria,
Vice President Director



Sinar Mas Group is a major force in Indonesia's financial services market. It has a network of financial institutions involved in banking, insurance, securities, finance and leasing. The flagship of the Group's financial services is Bank Internasional Indonesia (BII). Sensible mergers, innovative market strategies and wise financial planning have all contributed to its rock-solid position at the apex of Indonesia's financial services sector. BII is also a leading issuer of credit cards and is the first Indonesian bank to issue travellers cheques in Rupiah.

BII, a strongly capitalised bank, comfortably meets Bank Indonesia guidelines on capital adequacy, and has always been committed to sound banking policies and disciplined financial practices. Amongst the country's private commercial banks, BII leads in terms of assets and profitability. These facts speak for the strength and integrity of the bank and the professionalism of its management team.

Today, Bank Internasional Indonesia has a network of over 120 branches and sub branches in major cities and emerging rural areas in Indonesia, together with three foreign offices.

It has also established two wholly owned domestic subsidiaries namely PT BII Finance Centre and PT BII Investment Management.

BII Finance Centre, established in 1991, is a non-depository financial institution engaged in the business of leasing, venture capital, credit card operations, consumer finance and factoring. BII Finance Centre pioneered the provision of factoring services in Indonesia, assisting a number of companies in managing their working capital positions.

BII Investment Management, on the other hand, brings and develops new and exciting investment products from around the world to the Asian investor. It ensures the best possible returns by providing a unique balance of managed investment risk and entrepreneurial profit-making. A recent joint venture agreement with Lend Lease Australia will strengthen inroads in fund management and pension fund administration.



BII is one of the leading issuers of credit cards and the local Rupiah traveller's cheques.

AGRI-BUSINESS, FOODS AND CONSUMER PRODUCTS



Mr. Franky Coenen Wijfaja



PT Sinar Mas Agro Resources and Technology Corporation (PT SMART Corporation) is the corporate body created to manage the agribusiness activities of the Group. It is an integrated company whose primary business is the manufacture of products made from crude palm oil (CPO). It is committed to efficient production of quality products required by household and industrial users at competitive prices.

Sinar Mas agribusiness companies own and manage vast plantations, refineries and processing plants which provide quality products at competitive prices for household and industrial consumers. The Group's land holdings cover thousands of hectares, in Sumatra, Kalimantan and Irian Jaya. Group owned plantations cultivate oil palm, coconut, tea, bananas, cocoa and rubber. Other Group companies process these crops and market the products both in Indonesia and around the world.

As a market leader in cooking oil, Sinar Mas has invested in refineries and oil processing plants, with refining capacity of hundreds of thousands of tons per annum. It continuously upgrades its refining facilities to ensure higher levels of production quality and increased production capacity. Processed edible oil products from these refineries include cooking oil, industrial and table margarine, shortening, hardened fats and butter substitutes. In this segment the Group also has a joint venture with a leading Australian company.

To enhance growth and stability in the agribusiness area, Sinar Mas has also diversified into value-added products, often in ventures with prominent partners from other countries. For instance, the group is involved in an



Margarine brands produced by PT SMART Corporation.



Harvesting black and green tea resources for their aroma, colour and taste.

REAL ESTATE AND PROPERTY DEVELOPMENT

The Real Estate Division is also active in hotel and resort development. Through joint ventures with other major Indonesian groups, Sinar Mas holds a major interest in the largest and most luxurious number one deluxe hotel in Jakarta – the Grand Hyatt. Within this property lies the finest shopping mall in Jakarta – Plaza Indonesia.

Through the Division's joint venture with the Dusit Thani Group of Thailand, great progress is expected in the hospitality industry of Indonesia. This venture brings together two of Asia's prestigious deluxe hotel-resort groups with truly international standards of both product and service. The first property under this venture is the Dusit Balikpapan Hotel, strategically located between the charming Markoni Beach and the heart of Balikpapan city on Kalimantan.

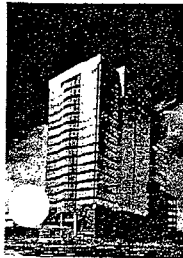
Another joint venture, Karawang International Industrial City is an exclusive industrial complex in Karawang, right beside the Jakarta – Cikampek toll road. This industrial complex is built on a vast 1,300 hectares premise integrating the industrial zone and convenient housing.

The Division also engages in real estate and property services such as construction, architecture and engineering consultancy.

The Real Estate Division is constantly initiating new projects in its quest to provide quality residential, commercial and industrial facilities in the country. It will continue to ensure that its high standards of quality are met, and that it will continually satisfy its most important clientele – the ultimate judge.



skyline by night highlights the active real estate construction industry of the country.



Bill Surabaya



The completed Permata Buana residential complex highlights the real estate division's well planned approach to real estate management.



The Sinar Mas Group's Real Estate Division, is one of the leading real estate developers in Indonesia. Since 1980, when the Real Estate Division erected a small number of shop-houses it has established itself as a reputable real estate and property development organization. Today, various real estate infrastructures all over the archipelago are living showcases of the Group's successful venture into property development.

The Group has substantial interests in various real estate and property development projects all over the archipelago. These undertakings are as diverse as residential subdivisions and apartments, commercial complexes, shopping centres, hotels, office buildings and townships. The Real Estate Division has 33 projects in various stages of development.

The Division's residential projects include the 1,000 hectare Taman Permata Buana, Taman Duta Mas and the 600 hectare housing complex Taman Banjar Wijaya.

PT Bumi Serpong Damai, a subsidiary of the division is currently developing a 6,000 hectare satellite city about 25 kilometres west of Jakarta. This undertaking features a mixed development of residential, office, commercial and leisure facilities including the popular golf course designed by internationally famed golfer, Jack Nicklaus.

Another major property development project is the Mangga Dua Trade Area which comprises 29 hectares of land in the heart of the Kota district of Metro Jakarta. This property proudly serves trade at all levels: local, regional and international, and houses the Jakarta International Trade Centre, the Wholesaler's Centre, Building Materials, Interior Centre and the Mangga Dua Court, and the Mangga Dua Dusit Hotel Complex and shopping arcade (under development).



*golfing Bumi Serpong Damai Golf Club
and by world renowned golfer Jack Nicklaus.*



Mukti Widjaja



*The internationally acclaimed
lobby of the Grand Hyatt, Jakarta.*



*The Plaza Indonesia is
host to a number of popular boutiques,
department stores and specialty shops.*

FOREIGN PARTNER:

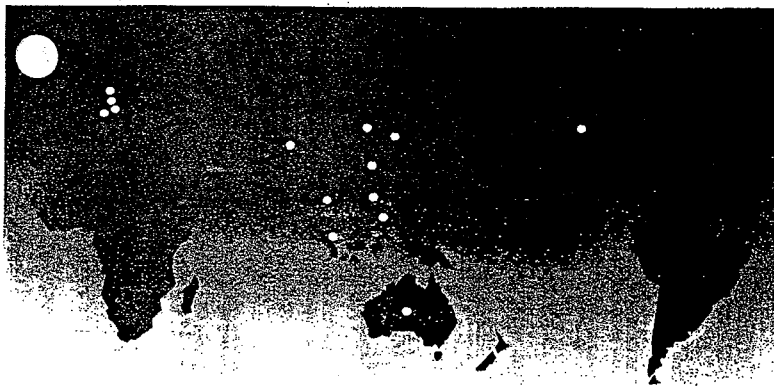


Historically, Sinar Mas Group has a healthy record of successful joint ventures and mutually profitable alliances with local and international partners.

The Group's positive approach to the global markets benefits Sinar Mas in many ways. It facilitates international market penetration, fosters progressive sharing of technologies, and creates a wider base for raising international capital for further expansion.

Sinar Mas' foreign partners come from near and far: Japan, Korea, China, Taiwan, Philippines, Singapore, Thailand, Australia, France, Germany, Belgium, United Kingdom and the United States of America.

The international network will provide far-reaching benefits for Sinar Mas Group well into the Twenty-First Century.



Sinar Mas continually enhances its technological capabilities and expands its markets globally through joint ventures and associations with leading international companies.

EOP 050207H

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Business Week

March 27, 1995

SECTION: BUSINESS WEEK INTERNATIONAL EDITIONS; International Business:
INDONESIA; Number 3417; Pg. 21

LENGTH: 729 words

HEADLINE: THE CHINESE TYCOONS START HUNTING FOR COVER

BYLINE: By Michael Shari in Jakarta

HIGHLIGHT:
Will foreign investors provide them a political shield?

BODY:

The 28-year reign of Indonesia's President Suharto has been very good for Eka Tjipta Widjaja. The Chinese-Indonesian tycoon runs Sinar Mas Group, a pulp-and-paper conglomerate that has holdings across Asia. Widjaja and other ethnic Chinese executives like him have made their fortunes thanks largely to ties with Suharto's family. Now, with the 73-year-old military strongman up for reelection in three years, the tycoons are worrying about recriminations they might face in a post-Suharto era.

With that in mind, some of the richest families in Asia are turning their closely held empires into publicly traded companies. The goal is to acquire buffers in the form of foreign investors who could deter any future rulers in Jakarta from mischief. With foreigners among the stockholders, future Indonesian governments might think twice before threatening companies. SCAPEGOATS. The tycoons' worries stem in part from the troubled history of the Chinese in Indonesia. While they make up just 3% of the population, Chinese control three-quarters of the economy -- which makes them easy scapegoats. When then President Sukarno lost power in 1965, thousands of Chinese were slaughtered amid allegations that Beijing had backed a coup attempt. Last April, striking workers killed a Chinese factory owner in the Sumatra city of Medan. Even billionaires such as Widjaja use Indonesian names rather than their Chinese ones.

As a result, Widjaja isn't taking any chances. Last year, his family incorporated Asia Pulp & Paper Co. in Singapore. In late March or early April, the new company plans to launch a \$ 420 million initial public offering of American depositary receipts on the New York Stock Exchange, according to family

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attorneys. Officials of Sinar Mas and Morgan Stanley & Co., which is underwriting the IPO, declined to be interviewed.

Sinar Mas has competition in the race to reorganize. Another paper-and-pulp power, Raja Garuda Mas Group -- owned by ethnic Chinese tycoon Tanoto Sukanto -- has formed a new Singapore-based company, Asia Pacific Resources International Holdings Ltd., and hopes to raise \$ 240 million on Wall Street to invest in paper mills in China. Prajogo Pangestu, an ethnic Chinese whose stock holdings alone are valued above \$ 2 billion, last June turned a Malaysian construction company into a public holding company and floated its stock in Singapore. The next logical candidate to take this route would be Liem Sioe Liong, said to be Southeast Asia's wealthiest ethnic-Chinese tycoon. His Salim Group is being reorganized. KEEPING MUM. Going public abroad will drastically change the way companies are run. Until the formation of Asia Pulp & Paper, for instance, Sinar Mas was an informal grouping of family-controlled companies. Family groups have subsidiaries listed on the Jakarta exchange, but they account for a small portion of assets. The new structure will make it easier for investors to weigh the risks of holding stock in Indonesian companies, says Greg Miller, head of research at Jardine Fleming Nasantara in Jakarta.

The reorganization of Sinar Mas thus offers the most revealing public glimpse yet of the Widjaja family's holdings. According to an Asia Pulp & Paper prospectus, the new holding company is capitalized at \$ 4.17 billion, with sales of \$ 700 million in 1994's first nine months.

The game plan is not without shortcomings. Investment bankers note that the Widjaja family, whose companies are managed by Eka Tjipta Widjaja's grown children, is drawing unwelcome attention from politicians back home. Although the Widjajas have invested some profits in China, they have denied doing so to avoid inflaming nationalism in Indonesia. Now that they've admitted as much to Wall Street, pressure to keep money in Indonesia will only increase. "The conglomerates are afraid of being accused of capital flight," says Fadjjar Limin Sutandi, an analyst at Sigma Batara, an Indonesian brokerage.

For executives accustomed to the secret world of Indonesian business, life in the public eye will not be easy. Companies that grew big under Suharto's favors may find Wall Street much less forgiving, says Aristides Akatoppo, founder of the respected daily paper Suara Pembaruan. But the tycoons are gambling that the protection they receive from the outside world will allow them to rest easier all the same.

— Wednesday, November 1, 1995 —



DNC 3022275

EXHIBIT
44

Chen

SCHEDULE FOR NATIONAL CHAIR DONALD L. FOWLER
DATE: WEDNESDAY, NOVEMBER 1, 1995
DRAFT: FINAL; PRIVATE SCHEDULE

WASHINGTON, DC

Schedule Contact:	Catherine York [redacted] (Office) [redacted] (Home) [redacted] (SKYGRAM)	Briefings:	Alejandra Castillo [redacted] (Office) [redacted] (Home)
Drivers DC:	Nick Caggia [redacted] (Office) [redacted] (Home) [redacted] (SKYGRAM)		Rolf Olson [redacted] (Office) [redacted] (Home) [redacted] (SKYGRAM)

8:10am **LIVE INTERVIEW w/ John Pepper, *The John Pepper Morning Show*, WXYZ, (CNN Affiliate) Detroit, MI Home of Chairman Fowler**

Contact: Terry Wilson
[redacted] or [redacted]

Diaine

NOTE: -DLF should call the above number at 8:05am.
-Live interview is re: the Budget and will last approx. 15 minutes. Call ins to follow.
-See attached briefing and talking points.

8:40am **DEPART Home**
EN ROUTE The White House

9:00am **ARRIVE for COFFEE w/ DNC Trustees and POTUS**
The White House
The Map Room

Contact: Richard Sullivan
135-2011 (SKYGRAM)

Write all in to attend. See attached

INFORMAL PROGRAM: 9:15am
-DLF delivers welcoming remarks and intros. Chairman Dodd.
-Dodd delivers brief remarks and int ros. POTUS.
-POTUS delivers remarks and opens discussion.

NOTE: -Approx. 14 to attend.
-See attached briefing and list of attendees.

WEDNESDAY, NOVEMBER 1, 1995
PAGE 2

10:20am DEPART The White House
EN ROUTE CommerceCorp International

10:30am ARRIVE for MEET & GREET w/ Mark Middleton and Sinar Mas Group
Delegation
CommerceCorp International
The Willard Office Building
1455 Pennsylvania Avenue, NW
Suite 560
Washington, DC
202/737-9305

Contact: Mark Middleton/Linda
202/737-9305

TO ATTEND:

- Mark Middleton
- Tjie Goan Oie/Teguh Ganda Wijaja (same person),
President and Director of Sinar Mas Group
- Wenny Limantara
- Sukmawati Widjaja (Sister of Teguh Widajaja), Vice
Chair and CEO of Sinar Mas Group
- Agusto Peralta Nilo, Group Managing Director, Sinar
Mas Group
- Hendrik Tee, Group Managing Director, Sinar Mas
Group
- Ted Joseph Villinski, Public Affairs, Sinar Mas Group
- Cheng Yen, Group Managing Director, Sinar Mas
Group
- Ted Lin, President of Linden Trading Company, Inc.
- Kang Oei
- Valonia Oei
- Richard Sullivan

NOTE:

- This group is meeting w/ POTUS on Nov. 3 and FLOTUS on
Nov. 4. They are also meeting with several Agency Heads to
discuss building business relations between the US and Indonesia.
- Sinar Mas Group is an multinational edible oils trader nearly
four decades old. Their four core businesses are 1) pulp and
paper 2) financial services 3) agribusiness, foods & consumer
products 4) and real estate and property developments.
- The Wijaja family is one of the wealthiest and most successful
families in Indonesia.
- Mark Middleton will discuss their giving potential at later
date.

 DNC 302227

WEDNESDAY, NOVEMBER 1, 1995
PAGE 3

11:15am DEPART CommerceCorp International
EN ROUTE AFL-CIO

11:30am ARRIVE for PRIVATE MEETING w/ Leo Zefferetti, Legislative Director,
Building and Construction Trades Department, AFL-CIO
AFL-CIO - Building and Construction Trades Department
Suite 603
815 16th Street, NW
Washington, DC
~~202/638-2260~~

Contact: Leo Zefferetti
~~202/638-2260~~

TO ATTEND: -Bobby Watson

NOTE: See attachment.

12:15pm DEPART AFL-CIO
EN ROUTE The Hay Adams Hotel

12:30pm ARRIVE for LUNCH w/ Dee Dee Myers
The Hay Adams Hotel
The Lafayette Restaurant
Washington, DC
202/638-2260

Contact: Dee Dee Myers/Lisa
~~202/638-2260~~

NOTE: -Reservations for 2 under FOWLER.

1:50pm DEPART The Hay Adams Hotel
EN ROUTE Rayburn House Office Building

WEDNESDAY, NOVEMBER 1, 1995
PAGE 4

Write

2:15pm ARRIVE for PRIVATE MEETING w/ Congressman Ed Towns
Rayburn House Office Building
Room 2232

Contact: Cong. Towns/Jerry
202/225-5936

NOTE: Meeting is re: NY Voter Registration.

3:00pm DEPART Rayburn House Office Building
EN ROUTE DNC

3:15pm ARRIVE for FINANCE BLOCK
Chairman's Office

Contact: Richard Sullivan x7113

4:30pm Conference Call → *uk ← Dodd, Whelan, Don*
4:30pm PRIVATE MEETING w/ Bob Barrie and Nidal Zayed *504-927-5630*
Chairman's Office *x323*

5:00pm
Contact: Richard Sullivan x7113

NOTE: -This is meeting is part of FINANCE BLOCK.
-See attached briefing.



WEDNESDAY, NOVEMBER 1, 1995
PAGE 5

5:30pm MEETING w/ Environmental Leaders
Second Floor Conference Room

Contact: Sam Newman x7114

TO ATTEND: -Shelly Fidler, CoS, Council on Environmental Quality
-Brian Johnson, Council on Environmental Quality
-Greg Whetstone, Legislative Director, NRDC
-Gene Karpinski, Exe. Dir., US PIRG
-Ellen Globokar, Field Director, Environ. Info. Center
-Betsy Loyless, Pol. Dir., League of Conservation Voters
-Mary Marra, National Wildlife Federation
-Rendy O'Brien, The Wilderness Society
-Liz Raisbeck, Legial. Dir., National Audubon Society
-Debbie Sease, Legial. Dir., Sierra Club
-Tony Wilson
-Sam Newman

NOTE: -This is a follow up meeting.
-See attached briefing

6:00pm DEPART DNC
EN ROUTE The Sheraton Washington Hotel

6:30pm ARRIVE for DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE
DINNER
The Sheraton Washington Hotel
Cotillion Room (Reception)
Grand Ballroom (Dinner)
2660 Woodley Road, NW
Washington, DC
202/328-2000
OPEN PRESS

Contact: Amy Edwards
██████████

NOTE: -Program to be available in the AM.
-Tickets will be at will call. DLF may bring 1 guest.
-Cocktails begin at 6:00pm; dinner at 7:30pm.
-Business attire.
-Dinner theme is "The Trail to Victory Begins in Oregon."

 DNC 3022280

WEDNESDAY, NOVEMBER 1, 1995
PAGE 6

9:00pm DEPART The Sheraton Washington Hotel
EN ROUTE Home

RON WASHINGTON, DC

 DNC 3022281

The World Bank/IFC/MIGA
OFFICE MEMORANDUM

DATE: October 23, 1995 08:48pm
TO: Thomas Kelsey (THOMAS KELSEY)
FROM: Jan Piercy, EDS01 (JAN PIERCY)
EXT.: 80110/11
SUBJECT: meeting request

*wald
top 10*

Mark Middleton (former aide to then-WH Chief of Staff Mack McLarty; now in business) called to see if we could meet with three senior members of an Indonesian family business consortium. They apparently own some 300 businesses in Indonesia, including Asia Pulp & Paper, which is listed on the NY Stock Exchange. The company may form a strategic alliance with a U.S. firm related to their interests in sustainable development and reforestation. They are also large purchasers of American made equipment.

for SV's people, go-hmm

*WIDJAJA
SINAR MAS GROUP
SINAR MAS
2nd healthkit
CONFIDENTIAL*

\$100M/yr.

The CEO, CFO and another executive will be in D.C. next week with meetings at the White House. Mark requested that we meet with them, as they expressed great interest in the World Bank and how it does business.

*deleted
name -
Tom Kelsey
Business
Confidential*

I told Mark that Tom would be the best person here with whom to pursue this. I said that I would join a meeting with Tom briefly, and we could include others who could address the group's specific questions and interests. I said Nancy should probably be involved given the reforestation angle. I asked that Mark call Tom, and also said we'd need to talk directly with one of the Firm principals when they arrive in D.C. to better understand their agenda, so we can have the right people join us.

ed's file

It does seem a little odd to me that they wouldn't go through the ED representing Indonesia, and we should alert that office of this inquiry we've had.

*in KATZ's
10/25/95
chey*

Mark's number is 737 9305. Tom, can you follow up? Sorry for the sketchy information. I thought we should be responsive, given the White House interest. Thanks.

- CC: Nancy Katz (NANCY KATZ)
- CC: Michael Marek (MICHAEL MAREK)
- CC: Sandra Shank (SANDRA SHANK)

*Looks to expand eyes. Want to work w/ U.S. reforest. agent
Tues. mtg
next Wed/Thurs pm 3:30 on 14.00 on the 2nd*



COMMERCE CORP INTERNATIONAL
 1700 PENNSYLVANIA AVENUE
 SUITE 500
 WASHINGTON, DC 20004
 TEL 202 737 9305
 FAX 202 737 9319

MEMORANDUM

TO: Ken Brody
 FROM: Mark Middleton
 RE: Sinar Mas Meeting
 DATE: 10/25/95

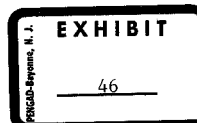
The Widjaja family, who owns the Indonesian based Sinar Mas Group, will be coming to Washington, D.C. from October 31 - November 3 and have specifically requested a meeting with you. Thus far, the family has confirmed meetings with the First Lady and a number of senior administration officials.

As you likely know, the Sinar Mas Group is one of the most substantial business organizations in Asia. They do a considerable amount of business with companies in the United States and are interested in increasing their activity. The Group is very active in the following areas: pulp and paper, agribusiness, financial services and property development. At the present time the family seems to be particularly focused on developing the pulp and paper division of their company (Asia Pulp & Paper-NYSE).

The Group request to see you appears to be motivated by their desire to establish a personal relationship with you, familiarize the Bank with their operation and discuss how they can work more closely with the Bank.

Ken, this entity is very important to the Administration in a number of ways thus your serious consideration is greatly appreciated. Please let me know if you need additional information or if you would like to discuss this in more detail.

CONFIDENTIAL



CC-H-000471 -UR

Daihatsu International Trading, Inc.

facsimile
TRANSMITTAL

TO: Mark Jimenez's Office

DATE: June 6, 1995

ATTN: Mark Jimenez

305-591-6591
FAX NO: 305-593-9571

FROM: Jennifer Russell

TOTAL: PAGES: 1
(INCLUDING THIS COVER PAGE)

REFERENCE: Mark Middleton

MESSAGE:

Dear Mr. Jimenez:

Mr. Trie would like me to give you Mark Middleton's contact numbers.

Office number: 202-543-8386

Fax number: 202-543-8382

Home number: 202-296-1712

White House: 202-456-2663

If you have questions, please call.

Regards,


Jennifer Russell



008000

Corporate Office: 2224 Cottondale Lane, Suite 102, Little Rock, AR 72202 U.S.A. • Tel: (501) 664-8809 • Fax: (501) 664-0988

Washington D.C.

Hong Kong

Beijing

Changchun

Hangzhou

September 30, 1996

MEET AND GREET WITH THE JIMENEZ FAMILY AND THEIR FRIENDS

Date: October 1, 1996

Time: 5:15 p.m.

Place: Boca Raton Resort and Club
Boca Raton, Florida

Recommended by: Richard Sullivan

I. Purpose

To spend a few minutes with the family of Mark Jimenez. Mark has been a tremendous supporter of the Clinton/Gore campaign, the Women's Leadership Forum and the Democratic National Committee.

Following his family, you will spend a few minutes with the personal friends and political associates of Mark Jimenez.

II. Background

Mark is the president of Future Tech, one of the largest exporters of computer peripherals into Latin America based in Miami, Florida. Mark and his wife, Carol, have ten children. A few years ago, he purchased the childhood home of the President in Hope, Arkansas.

III. Program

- The First Lady will be joined in her suite by Mark Jimenez and his family.
- The First Lady will spend a few minutes with the family in her suite.
- Friends of Mark Jimenez will then enter the room.
- The First Lady will be introduced by Mark Jimenez to his friends.
- The First Lady will participate in a receiving and photograph line.
- Upon conclusion of the receiving line, the First Lady will depart.



EOP 056325

IV. Participants

A full list of participants is attached.

V. Remarks

There are no remarks scheduled.

V. Press

This event is CLOSED to the press.

Meet and Greet with
Friends of the Mark Jimenez Family

Mark Middleton

Mitchell Berger

Hope Berger

Meredith Berger

Scott Berger

Amanda Berger

Alex Berger

Howard Glicker

Charles Dusseau

Evangelina Ortega

Renato Valencia

Marilen Espiritu

Alice Favila

Moon Yeen Singson

Zenaida Vaeken de Facetti

Marina Gavilan de Scavone

Nora Caceres de Gomez

Irene Riera de Mersan

Minda Garcia

Susan Garcia

Dora Prieto

Reception with Mark Jimenez Family
Boca Raton Resort
El Camino Real
Boca Raton, Florida

Mark Jimenez

Carol Jimenez
Wife of Mark Jimenez

Myla Villanueva
Daughter of Mark Jimenez

Generoso Villanueva
Myla's husband

Marcel Crespo
Son of Mark Jimenez

Catalina Carnesella
Marcel's fiancée

Virgilio Crespo
Son of Mark Jimenez

Claire Crespo
Daughter of Mark Jimenez

Jose Crespo
Son of Mark Jimenez

