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February 10, 2008

Rusty Hardin
Rusty Hardin and Associates
5 Houston Center
1501 McKinney, Suite 2250
Houston, TX 77010

Dear Mr. Hardin:

I read with some concern your comments in the New York Times today. According to the New York Times, you said it would be “unbelievable” and “brazen” if a federal agent, Jeff Novitzky, attended a Committee hearing scheduled for Wednesday, February 13.

The article also reported that you said: “I can tell you this: If he ever messes with Roger, Roger will eat his lunch.”

Some of the previous comments by both you and the attorneys representing Mr. McNamee in recent weeks have struck me as inadvisable but I have refrained from making any comment. If today’s quotation is accurate, however, it goes beyond any personal enmity that exists between Roger Clemens and Mr. McNamee. I do not know your intent in making this statement, but under one interpretation it can be seen an attempt to intimidate a federal law enforcement official in the performance of his official duties.

I have never met with or spoken to Mr. Novitzky and have no information whether he intends to attend the hearing. As an independent branch of government, our inquiry operates independently of the executive branch.

And as a witness in our independent investigation, it is not your client’s prerogative to dictate who attends or does not attend the hearing. Given your long service as both a prosecutor and a private attorney, I trust you did not intend your comments to be a signal that there could be adverse repercussions to a federal law enforcement official for attending the hearing or taking other official actions.

Mr. Rusty Hardin
February 10, 2008
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I would urge you to clarify the record at your earliest convenience.

Sincerely,

A handwritten signature in black ink that reads "Henry A. Waxman". The signature is written in a cursive style with a horizontal line at the end.

Henry A. Waxman
Chairman

cc: Tom Davis
Ranking Minority Member