

the Federal Bureau of Investigation working with you on this criminal investigation."⁵¹ On August 12, 1994, Mr. Eggleston forwarded additional responsive documents to Mr. Goldberg.⁵²

Mr. Goldberg replied: "We were quite surprised to receive these materials."⁵³ He observed that Mr. Eggleston had "represented that [the White House] had completed [its] search and that all documents responsive to the Department's request had been produced."⁵⁴ Mr. Goldberg specifically requested that Mr. Eggleston provide an "explanation as to how these additional documents were missed in the document search . . . described in your letter dated June 24, 1994."⁵⁵

This incident was apparently not an isolated one. The White House's failure to produce documents prompted Public Integrity Section Chief Lee Radek to conclude on September 8, 1994 that "[W]e are not confident that the White House has produced to us all the documents in its possession relating to the Thomason allegations."⁵⁶

III. The White House Did Not Cooperate With the General Accounting Office.

On July 2, 1993, Congress passed the Supplemental Appropriations Act of 1993, requiring that the GAO "conduct a review of the action taken with respect to the White House

⁵¹ Letter from W. Neil Eggleston, Associate Counsel to the President, to Stuart M. Goldberg, Esq., Senior Litigation Counsel, Public Integrity Section (June 24, 1994).

⁵² Letter from W. Neil Eggleston, Associate Counsel to the President, to Stuart M. Goldberg, Esq., Senior Litigation Counsel, Public Integrity Section (August 12, 1994).

⁵³ Letter from Stuart M. Goldberg, Esq., Senior Litigation Counsel, Public Integrity Section, to W. Neil Eggleston, Associate Counsel to the President (August 30, 1994).

⁵⁴ Id.

⁵⁵ Id.

⁵⁶ H.R. Rep. No. 849, 104th Cong., 2d Sess. 151 (1996).

Travel Office”⁵⁷ The GAO subsequently reviewed several issues relating to the Travel Office, including the actions taken in the spring of 1993, that led to the firings of the Travel Office employees.⁵⁸

The GAO interviewed many of the principal players in the Travel Office matter, including Watkins, McLarty and Cornelius, but was unable to interview the terminated employees because of the pending DOJ criminal investigation.⁵⁹ The White House did not welcome the GAO inquiry. A report by GAO Investigator Robert Homan of a meeting with White House officials on August 11, 1993 reflects that Roy Neel, then-Deputy Chief of Staff, informed the GAO investigators that “he considered our work on the Travel Office to be a ‘nuisance’ and that he wanted it done as soon as possible.”⁶⁰

The GAO made numerous requests for documents to the White House.⁶¹ The White House demanded in return that an attorney from the White House Counsel's Office be present at

⁵⁷ GAO Report to the Congress on White House Travel Office Operations May 1994, OIC Bates No. 542-DC-00023261 at 23263; Supplemental Appropriations Act of 1993, Pub. L. 103-50, 107 Stat. 241.

⁵⁸ GAO Report to the Congress on White House Travel Office Operations May 1994, OIC Bates No. 542-DC-00023261 at 23263.

⁵⁹ Kingsbury GJ 6/27/96 at 10, 26, 31, 34.

⁶⁰ Homan's Record of Interview with Neel 8/11/93, OIC Bates No. AJ-DC-00000013 at 017.

⁶¹ See Nussbaum GJ 7/16/96 at 60; see also Eggleston GJ 7/18/96 at 6. The GAO's contact at the White House for the Travel Office investigation was Associate White House Counsel Neil Eggleston. Kingsbury GJ 6/27/96 at 13. The GAO did not have subpoena power. Id. at 11.

every GAO interview of White House employees.⁶² To the extent the White House was not able to be present, it sought to monitor the GAO investigation through cooperating private counsel.

The White House did not provide the GAO with notes of the interviews conducted by Podesta and Stern during the Management Review.⁶³ Nor did the White House provide the GAO with Watkins's May 31 handwritten notes⁶⁴ or the various drafts of the Watkins Memorandum prepared during the Fall of 1993.⁶⁵ Eggleston testified that at a December 1993 meeting, it was

⁶² Kingsbury GJ 6/27/96 at 17-18. Associate White House Counsel Neil Eggleston attended most of the interviews and took notes. Eggleston GJ 7/18/96 at 58-59. According to Eggleston, his notes have disappeared; consequently they have not been produced to the OIC. See id. at 65-67.

⁶³ Kingsbury GJ 6/27/96 at 14-15. Kingsbury testified that the GAO had difficulty getting a clear answer from the White House about whether interview notes existed and, in fact, whether they characterized White House responses to her inquiries as "decidedly disingenuous." Id. Kingsbury further described the failure of the White House to provide these materials as "not exactly honest" after learning that Stern and Podesta had taken notes of every single person they interviewed, and that those notes had been in the White House's possession. Id. at 16. For example, Kingsbury's report of her meeting with Eggleston on January 19, 1994 regarding backup documents for the White House Management Review report reflects the following:

Mr. Eggleston said that he didn't want to say there were no records, but at the same time, White House officials were concerned whether, since this report was an unusual thing for the White House to do, they would be setting a precedent in releasing working documents and notes which would inhibit carrying out similar reviews in the future.

Kingsbury's record of meeting with Eggleston 1/19/94, OIC Bates No. AJ-DC-00000725 at 731. In the same conversation with Eggleston, Kingsbury abandoned her efforts to obtain this information because she "did not know what we could conclude from a finding that the Report was somehow inconsistent with underlying documentation." Id. at 00000732.

⁶⁴ Watkins's handwritten interview notes 5/31/93, OIC Bates No. AJ-DC-00002083; see also Kingsbury GJ 6/27/96 at 23-24 (stating she had never seen the documents and believes the documents were provided to the GAO Office of General Counsel in connection with the Committee on Government Reform and Oversight's investigation).

⁶⁵ Kingsbury GJ 6/27/96 at 28-30. Kingsbury testified this information would have been

decided “we were not going to produce documents that were generated during the management review, but documents that had been collected by Podesta and Stern, if they were otherwise responsive, we might produce.”⁶⁶ The White House also did not provide the GAO with the Travel Office file from Foster’s office.⁶⁷

By way of contrast, Eggleston said they decided “to give more to the Public Integrity Section and not to rely on things like attorney-client privilege, which we ultimately did in connection with GAO” because “[i]t was a criminal investigation, and it was -- at the time it was the Department of Justice. It wasn’t an independent counsel; it was part of the executive branch of the government. And the decision was that we were going to cooperate as much as we could with [the] Public Integrity Section.”⁶⁸

IV. The House Committee's Investigation.

The House Committee concluded that the White House had not cooperated with its investigation. The House Committee found:

[I]ssuance of subpoenas was not sufficient to ensure the production of all relevant records. It became necessary for the committee to take the rare action, holding White House Counsel John M. [Jack] Quinn in contempt of Congress on May 9, 1996, by the committee. It was only after scheduling a May 30, 1996, House

relevant to the GAO's inquiry. *Id.* at 27-28. In fact, no investigative body knew of the existence of the Watkins Memorandum until it was produced to the House Committee on Government Reform and Oversight in 1996. H.R. Rep. No. 849, 104th Cong., 2d Sess. 157 (1996).

⁶⁶ Eggleston GJ 7/18/96 at 20-21.

⁶⁷ Kingsbury GJ 6/27/96 at 36-37. Kingsbury states that this information was also provided to the GAO by Congress. Kingsbury testified that the information contained in Foster's Travel Office file was material and relevant to the GAO inquiry, and fell within the parameters of the document requests the GAO made to the White House. *Id.*

⁶⁸ Eggleston GJ 11/18/97 at 26.