

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.”<sup>66</sup> The White House also did not provide the GAO with the Travel Office file from Foster’s office.<sup>67</sup>

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.”<sup>68</sup>

#### **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

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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, 104<sup>th</sup> Cong., 2d Sess. 157 (1996).

<sup>66</sup> Eggleston GJ 7/18/96 at 20-21.

<sup>67</sup> 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.*

<sup>68</sup> Eggleston GJ 11/18/97 at 26.

floor vote on the Resolution that the White House turned over 1,000 pages over which it initially had asserted were "subject to" executive privilege.

However the White House continued to withhold 2,000 pages of documents. President Clinton asserted a blanket claim of executive privilege, stalling for time throughout the summer of 1996. The White House Counsel's Office/Chief of Staff's Sherburne "team" finally provided the committee with access to the 2,000 pages of overly-redacted documents only when a second threat of a House floor vote on contempt of Congress was made.<sup>69</sup>

The House Committee also found that:

- (1) The White House Counsel's Office "coordinated and controlled to the greatest extent possible, all investigations into this matter[;]"
- (2) Attorneys "debrief[ed] White House attorneys about their clients' depositions and in some cases provid[ed] information to the White House that was withheld from Congress[;]"
- (3) The White House Counsel's Office engaged in a "pattern of behavior . . . including unprecedented misuse of executive privilege . . . designed deliberately to obstruct all investigations and thereby avoid full disclosure of the facts surrounding the Travel Office firings[;]"
- (4) "The collective memory loss of dozens of employees [was] unconvincing and disturbing."<sup>70</sup> Witnesses testified "thousands of times" that they could not recall "the most basic and memorable information;"<sup>71</sup> and
- (5) ["O]bstruction was conducted, overseen and encouraged by those at the 'highest levels' of the White House."<sup>72</sup>

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<sup>69</sup> H.R. Rep. No. 849, 104<sup>th</sup> Cong., 2d Sess. 9 (1996).

<sup>70</sup> Id. at 26.

<sup>71</sup> Id.

<sup>72</sup> Id. at 26-27.