

that had not been searched included the hard-drive records of Vincent Foster. Our efforts (as late as the weeks before the filing of this Final Report) to obtain production of records from Foster's hard-drive have been met with results that are far from full compliance with subpoenas issued over five years ago.

In May 2000, the OIC learned that the White House had asserted during discovery proceedings in Alexander v. Federal Bureau of Investigation, Civil Action Nos. 96-2123/97-1288 (RCL) (D.D.C.), that a search of ? indices? of White House records maintained by the Office of Records Management (ORM) relieved them of the obligation to conduct a full search of all records within the custody of ORM. In light of that argument, the OIC wrote to the Counsel to the President seeking assurances that all appropriate records within ORM were fully searched in response to every subpoena issued by this Office.⁴⁷ As of the date of this report, the White House has declined to provide any such assurance.

Nevertheless, this Office has obtained, as of the date of this Report, certain records that were previously not provided and concluded the investigation of the Travel Office matter may now be closed. Notwithstanding the closure of the Travel Office matter, this Office retains jurisdiction with respect to these same matters as they relate to the remaining jurisdictional mandates of this Office.

II. The Department of Justice Did Not Receive Timely Production of Documents in Its Investigation.

The Department of Justice Office of Professional Responsibility ("OPR") conducted an investigation of the involvement of the FBI in advising and assisting the White House in

⁴⁷ Letter from Jay Apperson, Deputy Independent Counsel, to Beth Nolan, Counsel to the President (May 24, 2000).

reviewing the management of the Travel Office's finances. OPR Counsel Michael Shaheen prepared a memorandum to Associate Deputy Attorney General David Margolis concerning the White House's lack of cooperation with his investigation.⁴⁸ In his memorandum, Mr. Shaheen wrote:

We were stunned to learn of the existence of [Vince Foster's Travel Office Notebook] since it so obviously bears directly upon the inquiry we were directed to undertake in late July and August 1993 by the DAG Philip Heymann . . . the White House was less than fully cooperative and forthcoming. The fact that we have just now learned of the existence of obviously relevant notes written by Mr. Foster on the subject of the FBI Report is yet another example of the lack of cooperation and candor we received from the White House throughout the inquiry.⁴⁹

In his testimony before the House Committee, Mr. Shaheen described the lack of cooperation and candor as "unprecedented."⁵⁰

The Department of Justice Office Public Integrity Section also experienced belated production of documents. On June 24, 1994, Associate Counsel to the President Neil Eggleston represented to Public Integrity Section Senior Litigation Counsel Stuart Goldberg that all "responsive documents found in [the White House's] search have been provided to the agents of

⁴⁸ See H.R. Rep. No. 849, 104th Cong., 2d Sess. 128 (1996)(citing Memorandum to David Margolis, Associate Deputy Attorney General, from Michael Shaheen Jr., Counsel, OPR, subject: Undisclosed Foster Notebook re the White House Travel Office Matter, July 24, 1995).

⁴⁹ Id. (emphasis supplied).

⁵⁰ Id.

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).