

The Independent Counsel enlisted the services of experienced criminal investigators and FBI agents already detailed to the OIC. These agents identified, located, and interviewed witnesses, reconstructed and analyzed evidence of the relevant events during the time periods before and after the Travel Office firings, and reviewed and analyzed the multiple investigations of those firings.

The OIC gathered and thoroughly reviewed the existing record on the Travel Office firings created by the House Government Reform and Oversight Committee, General Accounting Office, Office of Professional Responsibility, Office of Inspector General of the Department of the Treasury, Federal Bureau of Investigation, and the White House Travel Office Management Review investigations. Expanding on this record, the OIC identified, interviewed, and took sworn testimony of more than 127 witnesses regarding their knowledge of matters within the scope of the OIC's Travel Office Investigation.

Several federal grand juries in the District of Columbia were involved in the investigation of these matters. Between April 1996 and January 1999, these grand juries issued 125 subpoenas seeking witness testimony, as well as 89 subpoenas seeking the production of documentary evidence. The document subpoenas resulted in the production of over 55,000 pages of documents. In addition, there were five voluntary productions totaling more than 3,000 pages of documents.

**C. Lack of Cooperation by Witnesses.**

Many witnesses encountered during the investigation were not forthcoming. A description of specific examples is set forth in greater detail at Appendix A.

Witnesses' lack of cooperation took several forms. For example, some witnesses asserted unfounded claims of privilege. The White House Counsel's Office asserted that an attorney-

client privilege existed between government attorneys in the White House Counsel's Office and White House staff that permitted the employees to refuse to disclose communications involving the government counsel, and further, to order private attorneys to instruct their White House staff clients not to answer questions based on the White House's claim of attorney-client privilege. White House officials failed to search for and provide relevant documents in their possession in response to grand jury subpoenas. In some instances, witnesses' responses and document productions were coordinated by the White House Counsel's Office and the witnesses' private attorneys.

Despite these obstacles that substantially delayed this Office's receipt of relevant evidence, the Independent Counsel has determined that the investigation should now be concluded without the filing of criminal charges. This Report represents the conclusion of the investigation into the Travel Office matter, and that matter is now closed.

## II. SCOPE OF REPORT

The reporting requirement under which this Office operates, 28 U.S.C. § 594(h)(1)(B) (1994), provides that before the Office is terminated, it shall:

file a final report . . . setting forth fully and completely a description of the work of the independent counsel, including the disposition of all cases brought.

This statutory language reflects a change from the pre-1994 law, which concluded with a so-called "declination clause," requiring that the final report include:

a description of the work of the independent counsel, including the disposition of all cases brought and the reasons for not prosecuting any matter within the prosecutorial jurisdiction of such independent counsel.<sup>37</sup>

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<sup>37</sup> 28 U.S.C. § 594(h)(1)(B), Pub. L. 100-191, 101 Stat. 1293, 1302 (1987) (emphasis supplied).