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COMMITTEE ON GOVERNMENT REFORM — MINORITY STAFF  
SPECIAL INVESTIGATIONS DIVISION  
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# CONGRESSIONAL OVERSIGHT OF THE CLINTON ADMINISTRATION

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PREPARED FOR

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CONGRESSIONAL OVERSIGHT OF THE CLINTON ADMINISTRATION

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EXECUTIVE SUMMARY

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Republican congressional oversight committees have shown extraordinary deference to the Bush Administration. No subpoenas have been issued to the White House, and as documented in a companion report, numerous allegations of serious wrongdoing have been ignored.<sup>1</sup>

Republican chairmen claim they are conducting oversight evenhandedly. But they took a vastly different approach when President Clinton was in office. During the Clinton Administration, the oversight committee in the House of Representatives issued over 1,000 subpoenas to investigate alleged Administration and Democratic Party misconduct, and it received over two million pages of documents. The information demanded by Congress included details of discussions between President Clinton and his closest advisors, internal e-mails from the Office of the Vice President, FBI interview notes, and documents describing internal Administration deliberations. Clinton White House officials including the President's top aides provided hundreds of hours of testimony to congressional committees.

The cost of these investigations was enormous. Over \$35 million was spent on congressional investigations of the Clinton Administration. When combined with the costs of investigations by independent counsels, the total amount of taxpayer funds expended on investigating President Clinton and his Administration exceeded \$150 million.

This report provides details about the breadth and intrusiveness of Republican investigations of the Clinton Administration. An earlier report, which was released in 2001, describes the many unsubstantiated allegations involving the Clinton Administration that Republican-controlled committees in Congress investigated.<sup>2</sup>

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**I. NUMBER OF SUBPOENAS ISSUED AS PART OF CLINTON ADMINISTRATION INVESTIGATIONS**

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Before the Republicans took control of Congress in 1995, congressional authority to issue subpoenas was viewed as a serious power to be exercised judiciously. From at least as far back as the McCarthy era in the 1950s to the Republican takeover in 1995, no Democratic committee chairman issued a subpoena without either consent from the minority or a committee vote.<sup>3</sup> This long-standing

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<sup>1</sup> Report for Rep. Henry A. Waxman, *Congressional Oversight of the Bush Administration*, Minority Staff, House Committee on Government Reform (Jan. 17, 2006).

<sup>2</sup> Report for Rep. Henry A. Waxman, *Unsubstantiated Allegations of Wrongdoing Involving the Clinton Administration*, Minority Staff, House Committee on Government Reform (Mar. 2001).

<sup>3</sup> For a discussion of the history of congressional use of subpoena power, see House Committee on Government Reform and Oversight, *Investigation of Political Fundraising Improprieties and*

tradition of restraint was abandoned, however, during the congressional investigations of the Clinton Administration.

The Government Reform Committee is the primary investigative committee in the House of Representatives. During the Clinton Administration, the chairman of this Committee unilaterally issued over 1,000 subpoenas to investigate allegations of misconduct involving the Clinton Administration and the Democratic Party. The Committee issued 1,089 subpoenas during the six years that Dan Burton served as chairman from 1997 through 2002. During this period, 1,052 of the Committee's subpoenas — 97% — targeted officials of the Clinton Administration and the Democratic Party; only 11 subpoenas related to allegations of Republican abuses.<sup>4</sup> Other congressional committees, such as the Senate Governmental Affairs Committee and the Senate Special Committee to Investigate Whitewater, also issued significant numbers of subpoenas as part of investigations into allegations involving President and Mrs. Clinton.<sup>5</sup>

## II. NUMBER OF DOCUMENTS PROVIDED TO CONGRESS

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The Government Accountability Office examined White House efforts to provide documents to Congress over an 18-month period from October 1996 to March 1998. GAO found that during this period alone, White House staff spent over 55,000 hours responding to over 300 congressional requests, producing hundreds of thousands of pages of documents and hundreds of video and audio tapes to Congress.<sup>6</sup>

The House Government Reform Committee conducted some of the most extensive investigations of the Clinton Administration. In total, the Committee

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*Possible Violations of Law*, Minority Views, 105<sup>th</sup> Cong., 2d Sess, v.4 at 3946-49 (Nov. 5, 1998) (H. Rept. 105-829).

<sup>4</sup> Chairman Burton issued a handful of subpoenas — 26 — that did not involve investigations of alleged misconduct by Clinton Administration or political party officials. For example, nine subpoenas concerned the Committee's review of U.S. policy on kidnapped American citizens in Saudi Arabia.

<sup>5</sup> See Senate Committee on Governmental Affairs, *Final Report: Investigation of Illegal or Improper Activities in Connection with 1996 Federal Election Campaigns*, Minority Views, 105<sup>th</sup> Cong., 2d Sess., v. 6 at 8690 (Mar. 10, 1998) (S. Rept. 105-67) (noting that the Senate Governmental Affairs Committee had issued 328 subpoenas to investigate Democrats and Democratic entities); *D'Amato Panel Issues Subpoenas for 'Arkansas Phase' of Inquiry*, Washington Times (Apr. 20, 1996) (reporting that the Senate Whitewater Committee issued 13 new subpoenas on April 17, 1996); *New Whitewater Subpoenas Issued*, Chicago Tribune (Dec. 30, 1995) (reporting that the Senate Whitewater Committee had issued 16 new subpoenas); *Subpoenas Summoning Arkansans*, Arkansas Democrat-Gazette (Oct. 27, 1995) (reporting that the Senate Whitewater Committee had agreed to issue 49 subpoenas).

<sup>6</sup> Minority Staff, House Committee on Government Reform and Oversight, *The Cost of Congressional Campaign Finance Investigations to the U.S. Taxpayer*, 3 (Oct. 7, 1998) (online at <http://www.house.gov/reform/min/pdf/cfCostRepNew.pdf>).

received over 2 million pages of documents relating to investigations of the Clinton Administration and the Democratic Party.

### III. NUMBER OF CLINTON ADVISORS CALLED TO TESTIFY BEFORE CONGRESS OR DEPOSED BY CONGRESSIONAL STAFF

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The House Government Reform Committee heard testimony from 134 Clinton Administration White House and agency officials in public hearings investigating alleged Clinton Administration wrongdoing. In addition, 141 individuals who worked in the Clinton Administration, including top advisors to the President, spent 568 hours in depositions before Committee staff. This is equivalent to 71 business days — over half the number of legislative days in a typical year in the House of Representatives — devoted solely to conducting depositions of Clinton Administration officials.<sup>7</sup> Clinton Administration officials also provided testimony to other congressional committees.<sup>8</sup>

Top Clinton White House advisors who provided testimony to Congress included:

- White House Chief of Staff Mack McLarty,<sup>9</sup>
- White House Chief of Staff Erskine Bowles,<sup>10</sup>
- White House Chief of Staff John Podesta,<sup>11</sup>
- Senior Advisor and Deputy White House Counsel Bruce Lindsey,<sup>12</sup>

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<sup>7</sup> The 71 days figure is reached by assuming an 8-hour workday. The average number of legislative days in the House of Representatives from 1996 through 1998, the time frame during which the Committee conducted the depositions, was 124. See U.S. House of Representatives, *Days In Session: 1998 (105<sup>th</sup> Congress, 2d Session)*; U.S. House of Representatives, *Days In Session: 1997 (105<sup>th</sup> Congress, 1<sup>st</sup> Session)*; U.S. House of Representatives, *Days In Session: 1996 (104<sup>th</sup> Congress, 2d Session)*. The Days-in-Session records are online at <http://thomas.loc.gov/home/ds/>.

<sup>8</sup> For example, during its 1997-98 investigation of campaign finance issues, the Senate Governmental Affairs Committee took testimony from White House Counsel Charles Ruff, Chief of Staff to the First Lady and Assistant to the President Margaret Williams, Assistant to the President and Deputy Chief of Staff Harold Ickes, Special Assistant to the First Lady's Chief of Staff Evan Ryan, and Deputy Assistant to the President for Appointments and Scheduling Nancy Hernreich, among other Administration officials. Senate Committee on Governmental Affairs, *Final Report: Investigation of Illegal or Improper Activities in Connection with 1996 Federal Election Campaigns*, 105<sup>th</sup> Cong., 2d Sess. (Mar. 10, 1998) (S. Rept. 105-67).

<sup>9</sup> E.g., Deposition of Thomas F. McLarty, House Committee on Government Reform and Oversight (Sept. 5, 1997).

<sup>10</sup> E.g., Deposition of Erskine Bowles, House Committee on Government Reform and Oversight (May 5, 1998).

<sup>11</sup> E.g., Testimony of John Podesta, House Committee on Government Reform, *Hearing on the Controversial Pardon of International Fugitive Marc Rich* (Mar. 1, 2001) (H. Rept. 107-11).

<sup>12</sup> E.g., Deposition of Bruce Lindsey, House Committee on Government Reform and Oversight (Sept. 8, 1997, Apr. 29, 1998).

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- Assistant to the President and Deputy Chief of Staff Harold Ickes,<sup>13</sup>
- Counsel to the President Bernard Nussbaum,<sup>14</sup>
- Counsel to the President Jack Quinn,<sup>15</sup>
- Counsel to the President Charles Ruff,<sup>16</sup>
- Counsel to the President Beth Nolan,<sup>17</sup>
- Chief of Staff to the Vice President Roy Neel,<sup>18</sup>
- Chief of Staff to the First Lady and Assistant to the President Margaret Williams,<sup>19</sup>
- Special Counsel to the President Lanny Breuer,<sup>20</sup>
- Deputy Counsel to the President Cheryl Mills,<sup>21</sup>
- Assistant to the President and Director of Political Affairs Douglas Sosnik,<sup>22</sup>
- Deputy Assistant to the President John Emerson,<sup>23</sup>

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<sup>13</sup> E.g., Deposition of Harold Ickes, House Committee on Government Reform and Oversight (June 14, 1996, Mar. 12, 1998).

<sup>14</sup> E.g., Deposition of Bernard W. Nussbaum, Committee on Government Reform and Oversight (June 12, 1996, July 11, 1996).

<sup>15</sup> E.g., Deposition of Jack Quinn, Committee on Government Reform and Oversight (Nov. 4, 1997).

<sup>16</sup> E.g., Testimony of Charles Ruff, House Committee on Government Reform and Oversight, *Hearing on White House Compliance with Committee Subpoenas* (Nov. 6-7, 1997) (H. Rept. 105-61); Testimony of Charles Ruff, House Committee on Government Reform, *Hearing on Missing White House E-Mails: Mismanagement of Subpoenaed Records* (May 4, 2000) (H. Rept. 106-179).

<sup>17</sup> E.g., Testimony of Beth Nolan, House Committee on Government Reform, *Hearing on Missing White House E-Mails: Mismanagement of Subpoenaed Records* (Mar. 30, 2000, and May 4, 2000) (H. Rept. 106-179); Testimony of Beth Nolan, House Committee on Government Reform, *Hearing on the Controversial Pardon of International Fugitive Marc Rich* (Mar. 1, 2001) (H. Rept. 107-11).

<sup>18</sup> E.g., Deposition of Roy Neel, House Committee on Government Reform and Oversight (Apr. 26, 1996).

<sup>19</sup> E.g., Deposition of Margaret Williams, Committee on Government Reform and Oversight (July 29, 1996); Testimony of Margaret Williams, House Committee on Government Reform and Oversight, *Hearing on Johnny Chung: His Unusual Access to the White House, His Political Donations and Related Matters* (Nov. 13, 1997) (H. Rpt. 105-69).

<sup>20</sup> E.g., Deposition of Lanny Breuer, House Committee on Government Reform and Oversight (Oct. 31, 1997).

<sup>21</sup> E.g., Testimony of Cheryl Mills, House Committee on Government Reform and Oversight, *Hearing on White House compliance with Committee Subpoenas* (Nov. 6-7, 1997) (H. Rept. 105-61); Deposition of Cheryl D. Mills, House Committee on Government Reform and Oversight (Nov. 3, 1997).

<sup>22</sup> E.g., Deposition of Douglas Brian Sosnik, House Committee on Government Reform and Oversight (July 25, 1997).

<sup>23</sup> E.g., Deposition of John B. Emerson, House Committee on Government Reform and Oversight (Sept. 2, 1997).

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- Assistant to the President and Director of Presidential Personnel Bob Nash,<sup>24</sup> and
- Deputy Director and Chief of Staff of Presidential Personnel Marsha Scott.<sup>25</sup>

### **IV. TYPES OF INFORMATION PROVIDED TO CONGRESS**

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In responding to requests and subpoenas from Republican chairmen, the Clinton Administration produced exceptionally sensitive documents and other materials to Congress. Examples of the types of information provided by the White House to the House Government Reform Committee included:

- **Discussions Between the President and His Advisors.** President Clinton waived executive privilege to allow his advisors to testify before the Committee about their discussions with him regarding the exercise of the presidential pardon power.<sup>26</sup> Attorney General Janet Reno informed the Committee about her discussions with the President during the confrontation at Waco.<sup>27</sup>
- **Internal White House E-Mails.** The White House spent over \$12 million to reconstruct internal White House e-mails for Committee review.<sup>28</sup> Thousands of pages of these White House emails were provided to the Committee, including e-mails between the Vice President and his staff.<sup>29</sup>
- **Confidential Communications from the White House Counsel's Office.** The White House Counsel's Office turned over to the Committee many documents containing sensitive legal advice or communications. In a private-sector context, these documents would be covered by the attorney-client privilege and the work-product privilege. For example, during its campaign finance investigation, the Committee received notes

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<sup>24</sup> *E.g.*, Deposition of Bob J. Nash, House Committee on Government Reform and Oversight (Sept. 4, 1997).

<sup>25</sup> *E.g.*, Deposition of Marsha Scott, House Committee on Government Reform and Oversight (Sept. 10, 1997, Apr. 1, 1998); Deposition of Marsh Scott, House Committee on Government Reform and Oversight, Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs, (Feb. 18, 1998, Apr. 28, 1998).

<sup>26</sup> Letter from David E. Kendall to Rep. Dan Burton (Feb. 27, 2001).

<sup>27</sup> *See* Interview of Attorney General Janet Reno, House Committee on Government Reform, 86-89 (Oct. 5, 2000).

<sup>28</sup> Letter from Phillip D. Larsen, Special Assistant to the President and Director of the Office of Administration, to Rep. Ernest J. Istook, Jr. (Aug. 1, 2001). Independent Counsel Robert Ray was also seeking these e-mails.

<sup>29</sup> *See, e.g.*, E-Mail from Joel Velasco to Vice President Gore (Feb. 22, 1998) (E 8701); E-Mail from Holly D. Carver to Vice President Gore (May 15, 1995) (E 8812).

taken by White House counsel reflecting attorney-client communications,<sup>30</sup> and during its investigation into the White House email system, the Committee received a memorandum containing legal advice from the Vice President’s counsel to the Vice President.<sup>31</sup>

- **DOJ and FBI Investigative and Prosecutorial Materials.** The Clinton Administration provided the Committee with over 2,000 pages of FBI “302s,” which are summaries of FBI interviews during criminal investigations.<sup>32</sup> The Administration also provided the Committee with unprecedented access to “prosecution memos” written by FBI Director Louis Freeh and campaign finance task force head Charles G. La Bella, allowing the Committee to review the memos in late 1998 and providing written copies in May 2000.<sup>33</sup>
- **Internal Administration Deliberations.** Many Committee investigations of the Clinton Administration examined whether political considerations inappropriately influenced federal policies. During these investigations, the Clinton Administration routinely provided the Committee with documents detailing internal agency deliberations. For example, the Administration produced all documents sought by the Committee when the Committee investigated whether campaign contributions influenced the Administration’s decision to deny an Indian tribe’s application for a dog track in Hudson, Wisconsin. The documents provided to the Committee included telephone records,<sup>34</sup> internal memoranda discussing the issue,<sup>35</sup> and even preliminary drafts of the final decision.<sup>36</sup>
- **Contacts with White House Task Forces.** Based on a request from a Republican congressman, the Clinton Administration provided GAO with the names of the private individuals who worked for or consulted with

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<sup>30</sup> See undated handwritten notes of an associate White House counsel (bates numbered EOP 069079-069081), described in a letter from Charles F.C. Ruff, Counsel to the President, to Richard Bennett, Chief Counsel, Committee on Government Reform and Oversight (Oct. 21, 1997).

<sup>31</sup> See Memorandum from Todd Campbell to the Vice President (Nov. 2, 1993) (E 5795-5801).

<sup>32</sup> See, e.g., FBI FD-302s for Johnny Chung (FBI 001-133), John Huang (DOJ-H 0001 through 0282, FBI-HUANG-S-0001 through 0028), and Charlie Trie (FBI-TRIE 001 through 153).

<sup>33</sup> House Committee on Government Reform, *Janet Reno’s Stewardship of the Justice Department: A Failure to Serve the Ends of Justice*, 106th Cong., 2d Sess., v. 2, 2018-19 (Dec. 13, 2000) (H. Rept. 106-1027).

<sup>34</sup> See, e.g., House Committee on Government Reform, *Investigation of Political Fundraising Improprieties and Possible Violations of Law*, 105<sup>th</sup> Cong., 2d Sess., v. 3, 3306-07 (Nov. 5, 1998) (H. Rept. 105-829) (Exhibit 21).

<sup>35</sup> See, e.g., Memorandum from Office of the Area Director to Assistant Secretary — Indian Affairs (date partially illegible, 1994) (EOP 064500 to 064504).

<sup>36</sup> See, e.g., House Committee on Government Reform, *The Department of the Interior’s Denial of the Wisconsin Chippewa’s Casino Applications*, 105<sup>th</sup> Cong., 2d Sess., v. 3, 459-62 (Jan. 21, 22, 28, 29, 1998) (H. Rept. 105-92) (Exhibit 4 to Deposition of Heather Sibbison).



President Clinton's health care task force.<sup>37</sup> Based on a similar request, the Clinton Administration provided GAO with communications between the White House China Trade Relations Working Group and parties outside the executive branch.<sup>38</sup>

- **Other White House Contacts with Private Individuals.** The Clinton Administration complied with Committee requests for extensive information about White House contacts with private individuals. For example, the White House provided records identifying persons who attended White House movies,<sup>39</sup> were invited to private dinners at the White House,<sup>40</sup> attended lunch in the White House mess,<sup>41</sup> or sat in the President's box at the Kennedy Center.<sup>42</sup>

## V. COST OF THE INVESTIGATIONS

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The costs to the taxpayer of the campaign finance and related investigations of the Clinton Administration conducted by congressional committees exceeded \$35 million.<sup>43</sup> According to GAO, the costs of the independent counsel investigations of the Clinton Administration were more than \$117 million.<sup>44</sup> Combined, the

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<sup>37</sup> See White House Press Release (Mar. 26, 1993).

<sup>38</sup> Letter from Robert P. Murphy, General Counsel, General Accounting Office, to Rep. Frank Wolf (May 22, 2000).

<sup>39</sup> See document entitled "RSVP List" (undated) (EOP 025922-025926).

<sup>40</sup> See document entitled "Private Dinner — Wednesday, June 16, 1993 — 7:30 PM" (undated) (EOP 037768-037785).

<sup>41</sup> See document entitled "Lunch at the WH Mess" (undated) (EOP 047623).

<sup>42</sup> See Memorandum from Eric Sildon, Democratic National Committee, to Debi Schiff and Donald Dunn, the White House (Sept. 15, 1995) (EOP 017931).

<sup>43</sup> This figure includes \$8 million that the House Government Reform Committee spent investigating allegations of campaign finance abuses involving the Clinton Administration; \$3.5 million that the Senate Government Affairs Committee spent investigating allegations of campaign finance abuse involving the Clinton Administration; \$2.5 million that a House select committee spent investigating allegations that the Clinton Administration gave missile technology to China for campaign contributions; \$1.2 million that the House Education and Welfare Committee spent investigating allegations of campaign finance abuses involving the Clinton Administration and organized labor; \$8.7 million that federal agencies reported spending on responding to congressional inquiries on campaign finance matters during an 18-month period from 1996 to 1998; and \$12 million that the White House spent to reconstruct an e-mail database sought by the Government Reform Committee. See *GAO Survey of Executive Branch Cost to Respond to Congressional Campaign Finance Inquiries* (June 23, 1998); House Committee on Government Reform and Oversight, *Interim Report: Investigation of Campaign Fundraising Improprieties and Possible Violations of Law, Additional and Minority Views*, 3968-69 (1998) (H. Rept. 105-829); Letter from Phillip D. Larsen, Special Assistant to the President and Director of the Office of Administration, to Rep. Ernest J. Istook, Jr. (Aug. 1, 2001).

<sup>44</sup> This number reflects the total reported in GAO's semi-annual reviews of Independent Counsel expenditures from 1994, when the first Independent Counsel appointed to investigate the Clinton

total federal spending on investigations of President Clinton and his Administration exceeded \$150 million. These cost estimates are conservative because they do not include the costs of multiple other investigations of the Clinton Administration.<sup>45</sup>

Over four years after the end of the Clinton Administration officials, the costs of investigating Clinton Administration officials continued to grow. During the 12-month period between March 31, 2004, and March 31, 2005, Independent Counsel David M. Barrett spent \$2.2 million on the investigation into former Clinton Administration HUD Secretary Henry Cisneros, who pled guilty in 1999 (and was pardoned in 2001) for making false statements regarding payments made to an ex-mistress.<sup>46</sup> In contrast, the House authorized just \$500,000 for the investigation of Hurricane Katrina, one of the most significant disasters in U.S. history.<sup>47</sup>

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Administration commenced work, through the reporting period ending March 31, 2005, which covered expenditures of several investigations that have not yet completely closed down. *E.g.*, U.S. Government Accountability Office, *Financial Audit: Independent Counsel Expenditures for the Six Months Ended March 31, 2005* (Sept. 2005) (GAO-05-961) (online at [gao.gov](http://gao.gov)).

<sup>45</sup> The House Government Reform Committee, for example, investigated a wide range of other allegations regarding the Clinton Administration that are not included in the \$35 million cost estimate. These investigations included examining whether the White House had improperly obtained FBI files to create an “enemies list”; whether Department of Defense officials had tampered with the computer of a Committee witness; and whether Attorney General Reno had intentionally withheld information from Congress on Waco. *See* Minority Staff Report, House Committee on Government Reform, *Unsubstantiated Allegations of Wrongdoing Involving the Clinton Administration* (Mar. 2001). These investigations often involved the expenditure of significant taxpayer funds. In the case of the Waco investigation, for instance, the Committee took over 82 interviews and received over 750,000 pages of documents from the Departments of Justice and Defense. *Id.*

<sup>46</sup> Government Accountability Office, *Independent and Special Counsel Expenditures for the Six Months Ended March 31, 2005*, 9 (Sept. 2005) (GAO-05-961); Government Accountability Office, *Independent and Special Counsel Expenditures for the Six Months Ended September 30, 2004*, 10 (Mar. 2005) (GAO-05-359).

<sup>47</sup> H.Res. 437 (109<sup>th</sup> Cong. ) (passed by the House of Representatives on September 15, 2005).