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104th Congress, 2nd Session - - - - - House Report 104-849

INVESTIGATION OF THE WHITE HOUSE
TRAVEL OFFICE FIRINGS AND RELATED
MATTERS

FIFTEENTH REPORT

BY THE

COMMITTEE ON GOVERNMENT
REFORM AND OVERSIGHT

together with

MINORITY AND ADDITIONAL VIEWS



SEPTEMBER 26, 1996.—Committed to the Committee of the Whole House
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Office file was responsive to GAO requests and GAO confirmed this in the committee's October 1995 hearing.⁶²¹

The Foster Travel Office file was also responsive to an OPR request in August 1993. In July 1995, when OPR Counsel Michael Shaheen learned of the Foster Travel Office file in the same manner in which the committee learned about it—reading about it in Newsweek—he wrote a memo in which he complained:

We were stunned to learn of the existence of this document since it so obviously bears directly upon the inquiry we were directed to undertake in late July and August 1993, by then 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.⁶²²

Mr. Shaheen also testified before the committee in October 1995, that the lack of cooperation and candor from the White House in this matter was "unprecedented" in his over 20 year career in Government.⁶²³

The White House Counsel's Office had provided the White House Management Review interview notes of Mr. Foster to OPR based on the fact that Foster was not available as a witness.⁶²⁴ If notes of an interview with Mr. Foster were relevant clearly his own notes of events would have been even more pertinent. The White House was also keenly aware of OPR's mandate to investigate the meaning of Foster's suicide note which addressed many Travel Office issues. At the outset of the OPR inquiry, Philip Heymann wrote to Nussbaum and McLarty requesting that the White House assist in arranging interviews of relevant witnesses in the matter.⁶²⁵

OPR requested that Nussbaum provide notes taken during the White House Management Review. Mr. Shaheen stated, "the White House declined to provide the notes and failed to mention the existence of any handwritten notes by Mr. Foster on the subject."⁶²⁶ OPR investigators also carefully explained to each witness the purpose of the inquiry and asked for any information they were aware of—"through conversations with Mr. Foster or otherwise"—that might shed light on Foster's "suicide" note.⁶²⁷ The Foster note read as follows:

I made mistakes from ignorance, inexperience and overwork

I did not knowingly violate any law or standard of conduct

⁶²¹ Testimony of Nancy Kingsbury before the Committee on Government Reform and Oversight on October 24, 1995.

⁶²² Memorandum to David Margolis, Associate Deputy Attorney General, from Michael E. Shaheen, Jr., Counsel, OPR, subject: Undisclosed Foster notebook re the White House Travel Office Matter, July 24, 1995.

⁶²³ Testimony of Michael Shaheen before the Committee on Government Reform and Oversight, October 24, 1995.

⁶²⁴ Eggleston deposition, p. 99.

⁶²⁵ Shaheen memo, July 24, 1995.

⁶²⁶ *Id.*

⁶²⁷ *Id.*

No one in the White House, to my knowledge, violated any law or standard of conduct, including any action in the travel office. There was no intent to benefit any individual or any group.

The FBI lied in their report to the AG

The press is covering up the illegal benefits they received from the travel staff

The GOP has lied and misrepresented its knowledge and role and covered up a prior investigation

The Ushers Office plotted to have excessive costs incurred, taking advantage of Kaki and HRC

The public will never believe the innocence of the Clintons and their [loyal or legal] staff.⁶²⁸

Foster's Travel Office notebook clearly detailed most of the issues outlined in this note. The notebook would have been the single most instructive record in explaining the meaning of Foster's note. Shaheen concluded:

. . . we believe that our repeated requests to White House personnel and counsel for any information that could shed light on Mr. Foster's statement regarding the FBI clearly covered the notebook, and that even a minimum level of cooperation by the White House should have resulted in its disclosure to us at the outset of our investigation.⁶²⁹

Furthermore, the note had been found in Foster's briefcase, exactly where the Foster Travel Office notebook was found. The note may very well have been part of the notebook—in fact it was in many ways a summary of the notebook. In trying to justify withholding this notebook, Nussbaum's only defense to date for his apparent obstruction, is that everyone in the room on July 22, 1993, when Foster's documents were reviewed knew about this particular document. As is set out extensively in the Whitewater report, no one else in the room on that day has any recollection of this document.⁶³⁰

Mr. Nussbaum is directly responsible for obstructing the GAO and OPR investigations. Along with others who had relevant information about the Foster "suicide" note, Nussbaum also obstructed the FBI investigation into why there was a delay in turning over the Foster note after it was found on July 26, 1993. (See discussion below.)

Finally, the DOJ Public Integrity criminal investigation had an interest in obtaining all documents that related to Harry Thomason and the work he was doing at the White House. Beginning in the summer of 1993, Public Integrity began to investigate the issue of whether Harry Thomason was a special Government employee and whether or not he had any criminal conflicts of interest problems. Mr. Foster had been keenly aware of this problem as is evidenced throughout his Travel Office notebook. There had been a flurry of phone calls between and among various parties to these concerns

⁶²⁸ OPR Report, tab A.

⁶²⁹ *Id.*

⁶³⁰ See Final Report of Special Committee on Whitewater Development Corporation and Related Matters, June 17, 1996, "The Foster Phase."