U. S. SENATE

Republican Policy Committee

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Whitewater Committee Pursues Phone Calls Made by First Lady and Others

Committee Subpoenas Probe Handling of Foster's Papers

On October 26, the Senate Whitewater Committee, officially known as the Special Committee to Investigate Whitewater Development Corporation and Related Matters, issued 49 subpoenas, addressed to the President of the United States, the First Lady, and other Whitewater figures. This marks the first time subpoenas have been used in the course of the Committee's investigation; the vote by the 18-member committee (composed of 10 Republicans and 8 Democrats) was unanimous.

As a result of telephone records that were provided to the Committee shortly before the issuance of the subpoenas, testimony before the Committee scheduled for today will come from Margaret Williams, chief of staff to First Lady Hillary Rodman Clinton, and Susan Thomases, a New York lawyer and long-time friend and advisor to the First Lady, both of whom were among those served subpoenas last week.

The two women, who testified before the Committee last summer, were ordered to re-appear for further questioning following the recent release of telephone records by the White House. The records show a series of phone conversations the morning of July 22, 1993 between Margaret Williams and Mrs. Clinton, Mrs. Clinton and Susan Thomases, and Susan Thomases and former White House Counsel Bernard Nussbaum — only two hours before the time Justice Department officials had been scheduled to review papers in the White House office of the late Deputy Counsel Vincent Foster. When Justice Department officials and FBI agents and Park Police officers arrived at the White House, Bernard Nussbaum prevented them from reviewing any papers in Foster's office. The White House has consistently maintained that Mrs. Clinton played no role in the decision to deny the Justice Department and law enforcement officials access to Foster's papers.

Vincent Foster's Whitewater Files

Vincent Foster died tragically on the afternoon of July 20, 1993. Routine law enforcement practice would have required that Foster's office — the location he was last seen alive — be sealed immediately to protect any evidence that might be of interest to a law enforcement investigation. The White House did not seal the office, and the evening of Foster's

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death, Bernard Nussbaum, Margaret Williams, and Patsy Thomasson each made their own search — searches not acknowledged until a story broke in the *Washington Times* five months later.

According to Committee testimony on August 2, 1995, provided by former Deputy Attorney General Philip Heymann, he and Bernard Nussbaum (without disclosing the previous night's clandestine search) reached an agreement as of 5:00 p.m. July 21, 1993, with the Justice Department for senior career attorneys and law enforcement personnel to review papers in Foster's office the next morning.

Foster was paid a full-time government salary to perform official duties, but in an arrangement of dubious legality, he was handling various personal legal matters for the President and Mrs. Clinton. A file, or files containing Whitewater papers were in his office at the time of his death. Sometime between July 20 and July 22, these papers disappeared. [For more details on Foster's Whitewater files, see RPC paper, "Vincent Foster's Whitewater Files: Unresolved Issues," 7/18/95.]

The July 22 Telephone Conversations

The newly-available telephone records show that Margaret Williams called Mrs. Clinton at her mother's home in Little Rock at 7:44 a.m. (Eastern Daylight Time) on July 22, 1993. They spoke for seven minutes. Then Mrs. Clinton called Susan Thomases, who was in Washington, at 7:57 a.m. They spoke for three minutes. One minute after that conservation ended, Susan Thomases called Bernard Nussbaum. At about 10 a.m. that morning, when Justice Department officials arrived to review papers in Foster's office, Bernard Nussbaum prevented it. Instead, he ordered the Justice officials and law enforcement officers to wait while he conducted his own review of the records.

Bernard Nussbaum claimed that he alone made the decision to deny Justice and law enforcement officers access after carefully weighing matters of executive privilege, attorney-client privilege, and national security. [see RPC's "The Foster Papers: 'Ethically and Legally Obliged' ...Or Stonewalling?", 8/8/95]. The change of plans led then Deputy Attorney General Heymann to ask him, "Bernie, are you hiding something?" [according to Heymann's testimony before the Committee].

Associate White House Counsel Stephen Neuwirth testified on August 3, 1995 that he had a brief conversation with Nussbaum almost immediately after the time of Nussbaum's telephone call from Susan Thomases. Neuwirth said it was his understanding that Bernard Nussbaum believed that Susan Thomases and the First Lady may have been concerned about anyone having "unfettered access" to Mr. Foster's office.

Susan Thomases, in her testimony before the Committee on August 8, 1995, said that she "never, never received from anyone or gave anyone any instructions about how the review of Vince Foster's office was to be conducted or how the files in Vince's office were to be handled."

And Susan Thomases testified, "I don't remember ever having a conversation with Hillary Clinton during the period after Vince Foster's death about the documents in Vince Foster's office."

In Chairman D'Amato's words, that testimony, in light of the new disclosures, is now "at least suspect."

Committee's Attempts to Gain Clearer Picture Thwarted

The subpoenas require that the Committee be provided with numerous Whitewater-related documents and telephone records. They arise from the disclosures that key documents requested by the Committee last summer have been withheld, including the — only recently released — telephone records involving the First Lady, Margaret Williams, Susan Thomases, and Bernard Nussbaum.

On June 2, the Committee requested all records of telephone conversations with designated individuals at the White House for the 48-hour period between 5:00 p.m. July 20 — the time Foster's body was discovered — and 5:00 p.m. on July 22, after the time that the Whitewater papers were no longer in Foster's office (it was later revealed that, at some point, the papers had been taken to the White House residence). The Committee received a large number of records, but did not receive them all. The records of the three critical phone conversations on the morning of July 22 were among the information that was withheld.

Others receiving the Committee's subpoenas include Arkansas Governor Jim Guy Tucker, U.S. Attorney for the Eastern District of Arkansas Paula Casey in Little Rock, former Associate Attorney General Webster Hubbell, White House aides Patsy Thomasson and Bruce Lindsey, Resolution Trust Corporation lawyer April Breslaw, and Bernard Nussbaum.

Upon issuing the subpoenas, Chairman D'Amato said, "We can no longer continue, in the vernacular of some, to pussyfoot; we've got to be able to protect the documents." [*Washington Times,* 10/26/95]

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