

# FOIA MARKER

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**Collection/Record Group:** Clinton Presidential Records

**Subgroup/Office of Origin:** Counsel Office

**Series/Staff Member:** Shelli Peterson

**Subseries:**

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**OA/ID Number:** 16434

**FolderID:**

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**Folder Title:**

[Sculimbrene]: Sculimbrene - NR

**Stack:**

**S**

**Row:**

**115**

**Section:**

**2**

**Shelf:**

**9**

**Position:**

**1**

TESTIMONY  
of  
RICHARD A. HAUSER  
before  
Committee on Government Reform and Oversight  
U. S. House of Representatives

COPY  
from ORM

OACF 396

June 19, 1996

Mr. Chairman and Members of the Committee, I am pleased to appear before you today as you address the important issue of White House handling of FBI background files for staff and political appointees. I hope that my experiences from the Reagan Administration will be helpful to the Committee.

I had the honor of serving as Deputy Counsel to President Ronald Reagan from early 1981 until my departure for the private practice of law in mid 1986. Since that time, I have been a partner with the law firm, Baker & Hostetler, and until April 1 of this year, I had the privilege of serving as Chairman of the Pennsylvania Avenue Development Corporation. Prior to my service as Deputy Counsel, my government experience included service in the White House Counsel's Office during the last year of the Nixon Administration and in the Office of the Deputy Attorney General. I also served as an Assistant United States Attorney in the Southern District of Florida and as law clerk to the Chief Judge of the United States District Court for that same district.

As Deputy Counsel, I was involved in the clearance process for Presidential appointees and White House staff. At some point in 1981, I was asked by Fred Fielding, Counsel to the President, to undertake a greater role in the review of background investigations and over time assumed primary responsibility. I would continue to share and discuss with Mr. Fielding background reports that raised questions and required his judgment because of the issue, position, or individual involved. The results of the background report would be considered along with responses to the confidential White House counsel's questionnaire and compliance with the requirements of the Ethics in Government Act before an individual would be cleared for appointment or, in the case of staff, a permanent pass issued. I would note that the Reagan Administration was the first incoming administration to have to deal with the public financial disclosure statements and other provisions of the Ethics Act, and to assist us, a senior attorney was detailed to our office from the Office of Government Ethics.

Background reports were treated with great respect and access was restricted to the Counsel's office. To my knowledge, and I have discussed this with Fred Fielding, background files were never shown to others in the White House including the President, Vice-President, Chief of Staff, or the Director of Presidential Personnel. It was understood and accepted that it was the Counsel's job to decide whether clearance should be approved, and this decision would have been made by Mr. Fielding or me. Certainly, there were a

small number of instances in which aspects of a background report would have been discussed, but it was on a need to know basis and without sharing the file.

Our system also involved careful handling of background files of nominees requiring Senate confirmation. In those instances, a nominee's background would be shared, upon request, with the Committee Chairman and Ranking Member, or other member designated by them, but here, too, the control was tight. The file would be taken by an attorney in the Counsel's office and made available for the Member's review in the attorney's presence. The file would then be returned in the attorney's custody to the White House.

In addition to the appointment process and staffing of the White House, which was a continuing process throughout the Administration, the files of White House staff, career or appointed, would be updated on a routine basis, usually every four years. These, too, would be reviewed by me if they contained any derogatory information, and access to the files was similarly limited. I do not recall any instance in which the report of an official from a prior administration was requested unless it was in connection with an appointment by President Reagan.

Restricting access to the information contained in the FBI background reports was intended to serve two important purposes:

1. Assuring the privacy of the prospective appointee or staff member; and
2. Maintaining the integrity of the background investigation process.

These issues have larger public policy implications. There is already a significant loss of privacy imposed on individuals entering public service, and the careless treatment of privacy protections will surely be a deterrent for some considering public service. When called, some will stand aside. I am personally aware of highly qualified individuals who refused the call to serve fearing loss of privacy. This response is likely to be reinforced by a breakdown in the handling of FBI files. The ramification for staffing future Administrations is serious.

Moreover, a background report is designed to produce complete and accurate information on the character, associates, reputation, and loyalty of the subject of the background check. Understandably, when interviewed by the FBI, friends, associates, co-workers, and neighbors of the subject are often reluctant to be candid, particularly if they are aware of derogatory information, for fear that it may be leaked or improperly circulated. As a consequence, these sources may "sugar coat" important information or seek anonymity for fear of attribution, thus diluting the quality and usefulness of the background report. We can all recall instances where issues relating to suitability were not adequately surfaced during a background investigation. This problem is likely to be compounded in the future. This is also a concern shared by the FBI.

Finally, the careless or casual handling of matters so sensitive and personal as background investigations erodes the confidence of citizens not only in the integrity of the decision making process but in government generally. Once this trust is lost, it is hard to regain.

I would also like to make a brief comment about the Special Inquiry ("SPIN") unit of the FBI. I had the privilege of working with several chiefs of that unit who were dedicated, hard working, and responsive. We worked cooperatively to improve and expedite the background investigation process, and any problems encountered would be discussed and resolved. Our experiences, for example, led to a revision of the Standard Form 86, used to commence a background investigation, by eliminating certain unnecessary data, which slowed down the process, and requesting other pertinent information.

I hope this information is helpful, and I would be pleased to answer any questions Members of the Committee may have. Thank you.

'98 AUG 3 AM 11:49

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THE WHITE HOUSE

WASHINGTON

August 3, 1998

COPY  
from ORM

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER (K) Fr

SUBJECT: Farewell Letter for Thomas Sculimbrene

Purpose

To sign a letter of appreciation to Tom Sculimbrene, who departs the National Security Council on July 31, 1998.

Background

Tom is leaving the NSC after over ten years of exemplary service. Through his work as a Technical Information Specialist in the Access Management Office, Tom has provided a valuable service to you and to the NSC staff.

RECOMMENDATION

That sign the letter at Tab A.

Attachment

Tab A Letter of Appreciation

Ok to  
AP gmm

cc: Vice President  
Chief of Staff

THE WHITE HOUSE

WASHINGTON

Dear Tom:

As you depart the National Security Council staff, I join your colleagues in recognizing the exceptional support you provided me, the White House and the country.

Your experience was invaluable during a period of unprecedented growth in the volume and complexity of National Security Council records. By cataloging historical files and making important materials available to the staff, to Congress, and to the public, you contributed greatly to the overall success of my Administration.

Please accept my congratulations and very best wishes in all your future endeavors.

Sincerely,

*Barack* <sup>A</sup>

Mr. Thomas A. Sculimbrene  
National Security Council  
Washington, D.C. 20504

# NSC PACKAGE

8/3/98  
(date)

RM:

OK FOR SIGNATURE PER PHIL CAPLAN/SEAN MALONEY.

RETURN ALL LETTER(S) AND ORIGINAL MEMO(S) TO  
STAFF SECRETARY'S OFFICE.

cc  
(initials)

Okay for Signature by  
Staff Secretary Phil Caplan  
Date 8/3/98