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Folder Title:

FBI Files Matter - Correspondence with House Government Reform & Oversight Committee
[2]

Staff Office-Individual:

Counsel's Office-Nemetz, Miriam

Original OA/ID Number:

CF 446

Row:	Section:	Shelf:	Position:	Stack:
20	2	9	2	V

THE WHITE HOUSE
WASHINGTON

August 21, 1996

BY TELECOPY

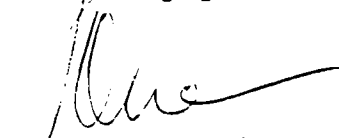
Barbara K. Olson
Chief Investigative Counsel
House Committee on Government Reform and Oversight
2157 Rayburn House Office Building
Washington, DC 20515-6143

Dear Barbara:

You called last night to request an unredacted copy of a telephone message from Willie Nelson to Craig Livingstone, dated February 25, 1994 and numbered CGE 049928. An unredacted copy of the message is attached.

For your information, we redacted material from telephone messages that appeared to be completely unrelated to any matters we are aware the Committee is investigating. Please let me know if you are investigating Willie Nelson!

Sincerely yours,



Jane C. Sherburne
Special Counsel to the President

Enclosure

cc: Donald Goldberg
Professional Staff Member

WILLIAM F. CLINGER, JR., PENNSYLVANIA
Chairman

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JOHN M. MCRAE, NEW YORK
STEVEN HORN, CALIFORNIA
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PETER BLUTE, MASSACHUSETTS
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ROBERT L. DUNLICH, JR., MARYLAND

ONE HUNDRED FOURTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

September 6, 1996

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BERNARD SANDERS, VERMONT
INDEPENDENT

MAJORITY—(R) 225-5074
MINORITY—(D) 225-5051

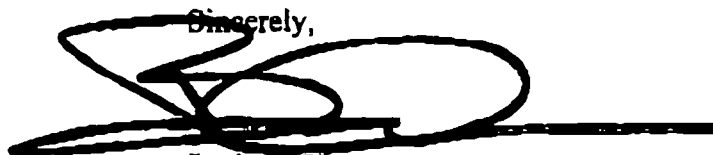
Jane C. Sherburne
Special Counsel to the President
The White House
Washington, D.C. 20005

Dear Ms. Sherburne:

We spoke last night about the recent White House production. I would like to reiterate my request for the year in which each phone message was taken. The Bates stamp numbers are CGE 054248 through CGE 054275. In addition, a member of my staff called earlier this week to request the year in which the message from Willie Nelson to Craig Livingstone was taken, Bates stamp number CGE 049928. Please provide the dates which correspond to the Bates numbered messages.

Thank you for your prompt attention to this matter.

Sincerely,



Barbara Olson
Chief Investigative Counsel

THE WHITE HOUSE
WASHINGTON

August 28, 1996

BY HAND DELIVERY

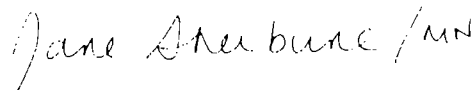
The Honorable William F. Clinger, Jr.
Chairman
Committee on Government Reform
and Oversight
2157 Rayburn House Office Building
United States House of Representatives
Washington, D.C. 20515

Dear Chairman Clinger:

I am enclosing additional documents responsive to your requests of June 12, 1996, and June 21, 1996, and the subpoena dated August 2, 1996. A production log is attached.

Please give me a call if you have any questions.

Sincerely yours,

A handwritten signature in dark ink, reading "Jane Sherburne /MN". The signature is fluid and cursive, with the initials "MN" at the end.

Jane C. Sherburne
Special Counsel to the President

Attachment
Enclosures

cc: Honorable Cardiss Collins

DOCUMENTS PRODUCED TO THE
HOUSE COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
ON 8/28/96.

Bates Number	Source
CGE 53979-54089	Office of Personnel Security
CGE 54090-54095	Trey Schroeder
CGE 54096-54097	Jack Quinn
CGE 54098-54196	Kathy Wallman
CGE 54197-54198	David Fein
CGE 54199-54234	Jane Sherburne
CGE 54235-54236	Counsel's Office
CGE 54237-54241	Office of Vice President
CGE 54242-54247	Office of Personnel Security

THE WHITE HOUSE
WASHINGTON

August 27, 1996

BY HAND DELIVERY

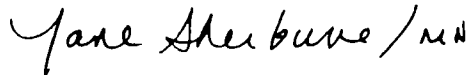
The Honorable William F. Clinger, Jr.
Chairman
Committee on Government Reform
and Oversight
2157 Rayburn House Office Building
United States House of Representatives
Washington, D.C. 20515

Dear Chairman Clinger:

I am enclosing additional documents responsive to your requests of June 12, 1996, and June 21, 1996, and the subpoena dated August 2, 1996. A production log is attached.

Please give me a call if you have any questions.

Sincerely yours,

A handwritten signature in cursive script that reads "Jane Sherburne / m".

Jane C. Sherburne
Special Counsel to the President

Attachment
Enclosures

cc: Honorable Cardiss Collins

DOCUMENTS PRODUCED TO THE
HOUSE COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
ON 8/27/96

Bates Number	Source
CGE 53713-53715	Counsel's Office
CGE 53716-53730	Trey Schroeder
CGE 53731-53816	Jack Quinn
CGE 53817-53824	Kathleen Wallman
CGE 53825-53840	Kelly McClure
CGE 53841-53896, 53902-53927	Sally Paxton
CGE 53928-53978	Jane Sherburne

DOCUMENTS PRODUCED TO THE
HOUSE COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
ON 8/27/96

Bates Number	Source
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CGE 53817-53824	Kathleen Wallman
CGE 53825-53840	Kelly McClure
CGE 53841-53896, 53902-53927	Sally Paxton
CGE 53928-53978	Jane Sherburne

THE WHITE HOUSE
WASHINGTON

August 27, 1996

BY HAND DELIVERY

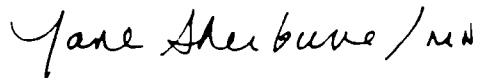
The Honorable William F. Clinger, Jr.
Chairman
Committee on Government Reform
and Oversight
2157 Rayburn House Office Building
United States House of Representatives
Washington, D.C. 20515

Dear Chairman Clinger:

I am enclosing additional documents responsive to your requests of June 12, 1996, and June 21, 1996, and the subpoena dated August 2, 1996. A production log is attached.

Please give me a call if you have any questions.

Sincerely yours,

A handwritten signature in cursive script, reading "Jane Sherburne / mw".

Jane C. Sherburne
Special Counsel to the President

Attachment
Enclosures

cc: Honorable Cardiss Collins

WILLIAM S. CLINGER, JR., PENNSYLVANIA
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ONE HUNDRED FOURTH CONGRESS

Congress of the United States

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2157 RAYBURN HOUSE OFFICE BUILDING

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BERNARD SANDERS
INDEPENDENT

MAJORITY—(202) 225-6574
MINORITY—(202) 225-6861

FACSIMILE TRANSMISSION

TO:

Kathleen Wallman

FROM:

BARBARA OLSON

DATE:

AUG 11, 1996

PHONE:

456-6279

There will be a total of 5 pages, including this page.

Comments:

If there are any questions or problems
regarding this transmission, please call the sender
at (202) 225-5074.

WILLIAM F. CLINGER, JR., PENNSYLVANIA
CHAIRMAN

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ONE HUNDRED FOURTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

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BERNARD SANDERS, VERMONT
INDEPENDENT

MAJORITY—(202) 325-6074
MINORITY—(202) 225-6061

August 11, 1996

BY TELEFAX

Kathleen Wallman, Esquire
Deputy Counsel to the President
1600 Pennsylvania Avenue, Northwest
Washington, D.C. 20001

Dear Ms. Wallman:

Pursuant to your conversation with Chairman Clinger, I am enclosing a comprehensive listing of applicable Bates-stamp numbers which the Committee has been informed to be within the three categories of documents requested by the Chairman in his July 31, 1996 letter White House Counsel Jack Quinn.

This list of Bates-stamp numbers is being provided to assist in your production of the three categories but should not be interpreted to relieve the White House of its responsibility to provide all responsive documents within the scope of the Chairman's request. As you are aware, all of these documents were subpoenaed by the Committee in its January 11, 1996 subpoena, were identified by the White House as responsive to that subpoena but have not been produced pursuant to President Clinton's assertion of executive privilege.

Ms. Wallman
August 11, 1996
Page 2

List of Responsive Bates-Stamp Numbers

Category I

Documents that reflect communications with outside attorneys and debriefings from those attorneys or those clients about various interviews, depositions, or grand jury appearances.

Bates-stamp #s:

DF 780041-780047
DF 780213-780214
DF 780638-780640
DF 780704
DF 780921-780981
DF 781168-781251
DF 781505-781508
DF 781515-781509
DF 781523-781531
DF 781561
DF 781845
DF 781847-781849
DF 781901-781907
DF 781932-781934

Category II

Documents that provide questions and briefing materials for Congressional hearing purposes.

Bates-stamp #s:

DF 780030
DF 780066-780092

Ms. Wallman
August 11, 1996
Page 3

DF 780099-780107
DF 780115-780187
DF 780197-780209
DF 780219-780221
DF 780233
DF 780240-780637
DF 780643-780663
DF 780700
DF 780707-780721
DF 780915-780920
DF 781450-781453
DF 781457-781497
DF 781279-781355
DF 781372-781394
DF 781532-781557
DF 781562-781565
DF 781778-781844
DF 781850-781854
DF 781893-781900

Category III

Documents regarding Mr. Foster's office review and files.

Bates-stamp #s:

DF 780008-780029
DF 780048-780051
DF 780222-780232
DF 780234-780237
DF 780722-780914
DF 780982-781167
DF 781252-781278
DF 781408-781444

Ms. Wallman
August 11, 1996
Page 4

DF 781566-781570
DF 781571-781777

Pursuant to the Chairman's July 31, 1996 letter, all documents should be provided in a completely unredacted form no later than August 16, 1996. As you are aware, the White House permitted a very limited in camera review of the 2000 pages of withheld subpoenaed documents by the Chairman and designated Committee staff. Accordingly, the above list includes all Bates-stamp numbers identified by the White House as responsive on its May 23, 1996 Executive Privilege Log as well as additional responsive Bates-stamp numbers identified by the Committee during its limited review.

Although we recognize that certain sections or pages included within some series of the requested document may not specifically respond to one of the three categories — at this date, your production should provide these passages in order to allow the Committee Members a contiguous record by which it may place the responsive portions of the documents in context.

Please feel free call me at any time if you have any additional questions or require further clarification of the request.

Sincerely,

Barbara K. Olson
Chief Investigative Counsel

THE WHITE HOUSE
WASHINGTON

August 19, 1996

BY HAND

Barbara K. Olson
Chief Investigative Counsel
House Committee on Government Reform and Oversight
2157 Rayburn House Office Building
Washington, DC 20515-6143

Dear Barbara:

On Friday you identified thirteen privileged documents you said had been requested by the Chairman but that were "missing" from our August 15 production. Two documents (DF 781110 and DF 781450-53) apparently were omitted inadvertently from the production. The copies are enclosed.

None of the other Bates numbers you identified was listed on our privilege log. Thus, those numbers simply are not associated with any of the documents over which we asserted privilege and later made available to the Committee for review.

As we have explained previously, we determined after numbering the documents over which we planned to assert privilege that some had been mistakenly copied twice, so were exact duplicates of others, or had been mistakenly numbered even though they were not responsive to the Committee's subpoena. We did not consistently retain numbered copies of the documents we determined were duplicates or not responsive. In my letter to Chairman Clinger of August 5, 1996, I specifically explained eight of the "gaps" in Bates numbers that you identified again on Friday: DF 781526-27, DF 781847-8, DF 781934, DF 780030, DF 781818, DF 781850-1, DF 780050-1, and DF 780827-59. The remaining three "gaps" are explained, document-by-document, below:

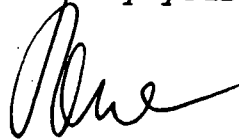
DF 780963-73	An independent counsel document mistakenly numbered and then renumbered IC 28.
DF 780977	Not responsive.
DF 780099-107	DF 780099-104 is a duplicate of DF 780052-7 (a privileged document which staff reviewed and did not request); DF 7800105-7 is a duplicate of another document we have produced. Rather than spending more time

Barbara K. Olson
August 19, 1996
Page 2

seeking to identify the Bates number of the document we originally produced, we have been able to locate and are producing the duplicate.

Please call me if you have questions.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Jane C. Sherburne', written in a cursive style.

Jane C. Sherburne
Special Counsel to the President

Enclosure

cc: Donald Goldberg
Professional Staff Member

THE WHITE HOUSE
WASHINGTON

August 20, 1996

BY HAND DELIVERY

The Honorable William F. Clinger, Jr.
Chairman
Committee on Government Reform
and Oversight
2157 Rayburn House Office Building
United States House of Representatives
Washington, D.C. 20515

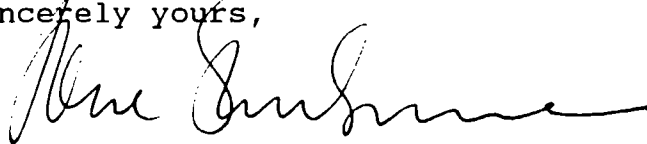
Dear Chairman Clinger:

I am enclosing documents responsive to your requests of June 12, 1996, and June 21, 1996, and the subpoena dated August 2, 1996. A production log is attached.

As you know, we were unable to respond fully to your requests because we did not have access to certain documents in the Office of Personnel Security (OPS). We recently obtained limited access to these documents, and have started reviewing them for responsiveness to your letter requests and to the subpoena. Many of the documents enclosed are the product of these efforts. We are continuing to review the OPS documents and other files that may contain material responsive to the Committee subpoena and will produce additional documents as quickly as we can.

Please give me a call if you have any questions.

Sincerely yours,



Jane C. Sherburne
Special Counsel to the President

Attachment
Enclosures

cc: Honorable Cardiss Collins

THE WHITE HOUSE
WASHINGTON

August 15, 1996

BY HAND DELIVERY

The Honorable William F. Clinger, Jr.
Chairman
Committee on Government Reform and Oversight
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

For several months, we have worked with you to find appropriate ways to provide your Committee information it has requested regarding the White House Travel Office and other matters. We have sought to accommodate the Committee's needs while at the same time ensuring that we protect the confidentiality of communications made on behalf of the President, including the official work of White House lawyers, in accordance with long-standing principles of separation of powers and executive privilege. As you know, the Attorney General and career officials at the Department of Justice have substantiated the President's claim of privilege with respect to over 1,800 pages of material sought by your Committee.

In June, we took the extraordinary step of providing you and your staff with access to the documents in question. We did so after reaching an understanding with you and Congresswoman Collins that these privileged materials would not be copied or divulged beyond the Committee's members and staff. This was thought by all involved to accommodate fairly Congress' asserted need for the information, while maintaining the Executive Branch's need to provide confidential advice to the President and to conduct candid deliberations in furtherance of his work.

In accepting access to the documents on this basis, you agreed to follow a specific procedure and employ a particular standard in the event you thought that a document from among these materials should be made public. Nevertheless, last week, I received a letter from you seeking the release of three broad categories of documents from among the approximately 1,800 pages subject to our agreement. This was followed by a letter from Barbara Olson of your staff specifically identifying over 1,400 pages -- nearly 80 percent -- of the privileged documents that she has told us you insist we provide the Committee no later

Hon. William F. Clinger, Jr.
August 15, 1996
Page 2

than tomorrow. Neither your letter nor the Olson letter makes the slightest acknowledgement of the process and standards to which we all agreed in June.

This abrogation of our agreement gives us grave concern. We thought we had mapped a way to work together to satisfy the needs of both Congress and the Executive Branch. We spent many hours, together with Mrs. Collins, working with you to craft what we understood you had agreed was a workable, bipartisan arrangement for determining the conditions under which we would provide the Committee with copies of privileged documents. But your commitment to honor our agreement has been replaced, apparently, by this unilateral demand. And, no doubt, this demand will be followed by false charges that we are abusing executive privilege if we insist upon following the procedure you agreed to follow in June.

As I have said to you repeatedly, there is a strong interest on the part of the Presidency as an institution in the confidentiality of communications such as those reflected in the documents you have demanded. Our assertion of this interest has not been out of concern over the content of these documents: as you well know after the long hours you have spent reviewing them, the documents confirm that these matters were handled properly.

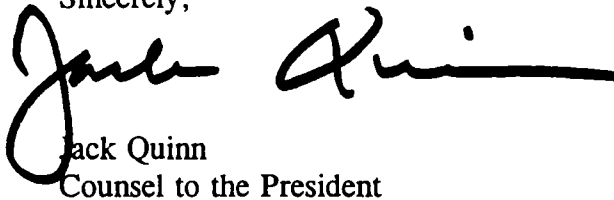
Be that as it may, there is an equally strong public and constitutional interest in ending the disparagement of the Presidency on which your Committee has embarked. In the past, the Committee has handled documents inappropriately, leaked selective portions of documents and deposition testimony in a manner that appears to be deliberately designed to unfairly impugn people, and read passages from privileged documents into a deposition record in plain violation of our agreement. All of this suggests that the Committee's investigation is not a search for the truth but a politically motivated partisan attack on the President.

The American people deserve better. They deserve to learn the whole truth firsthand and not through the filter of out-of-context leaks and mischaracterizations of privileged communications. Accordingly, in view of your determination to abrogate entirely the agreement you struck with me regarding the circumstances under which any of these documents might be made public, given the Committee's abuse of our attempts to accommodate your needs, and considering the nature of the matters at issue here, the President has directed me to release the documents you have demanded to the public. Only by elevating to the court of public opinion our constitutional dispute over the Executive Branch's attempts to meet the needs of the Congress can we undo the damage your

Hon. William F. Clinger, Jr.
August 15, 1996
Page 3

Committee has done to the separation of powers and assure the American people that this Administration has acted properly in regard to these matters. Your copies are enclosed.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack Quinn". The signature is fluid and cursive, with a large initial "J" and a long horizontal stroke at the end.

Jack Quinn
Counsel to the President

Enclosures

cc: Honorable Cardiss Collins (w/enclosures)

1/1/12

THE WHITE HOUSE
WASHINGTON

August 13, 1996

VIA FACSIMILE

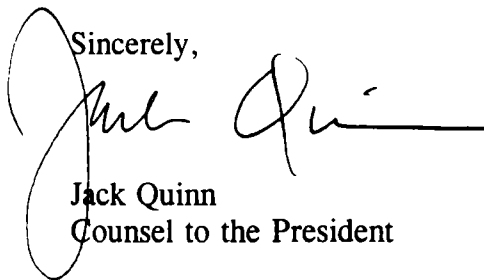
Robert S. Bennett
Skadden, Arps, Slate, Meagher & Flom
1440 New York Avenue, NW
Washington, DC 20003-2111

Dear Bob:

I have received your letter of August 1, 1996. I appreciate your views regarding the review by Chairman Clinger and his staff of notes taken by an attorney in this Office of conversations with your colleague regarding a matter then under investigation by Mr. Clinger's Committee.

As you know, the White House was served a subpoena covering the notes in question. As previous administrations have done in other cases, we sought in this case to reach accommodation with the Congress to satisfy its informational needs while preserving the essential interests of the presidency. At times, the accommodation process may require disclosure of materials which might otherwise be held in confidence. We were unaware that the Chairman and his staff intended to disclose the contents of these notes; hence, there was no practical opportunity for anyone to register an objection.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack Quinn", written over a large, loopy circular flourish.

Jack Quinn
Counsel to the President

WILLIAM F. CLINGER, JR., PENNSYLVANIA
CHAIRMAN

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ONE HUNDRED FOURTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

2157 RAYBURN HOUSE OFFICE BUILDING

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BERNARD SANDERS, VERMONT
INDEPENDENT

MAJORITY—(202) 225-5074
MINORITY—(202) 225-5061

August 11, 1996

BY TELEFAX

Kathleen Wallman, Esquire
Deputy Counsel to the President
1600 Pennsylvania Avenue, Northwest
Washington, D.C. 20001

Dear Ms. Wallman:

Pursuant to your conversation with Chairman Clinger, I am enclosing a comprehensive listing of applicable Bates-stamp numbers which the Committee has been informed to be within the three categories of documents requested by the Chairman in his July 31, 1996 letter White House Counsel Jack Quinn.

This list of Bates-stamp numbers is being provided to assist in your production of the three categories but should not be interpreted to relieve the White House of its responsibility to provide all responsive documents within the scope of the Chairman's request. As you are aware, all of these documents were subpoenaed by the Committee in its January 11, 1996 subpoena, were identified by the White House as responsive to that subpoena but have not been produced pursuant to President Clinton's assertion of executive privilege.

Ms. Wallman
August 11, 1996
Page 2

List of Responsive Bates-Stamp Numbers

Category I

Documents that reflect communications with outside attorneys and debriefings from those attorneys or those clients about various interviews, depositions, or grand jury appearances.

Bates-stamp #s:

DF 780041-780047 - discussion of priv. issues and responding to 2nd disc. request. July 11, 1995 (A)
DF 780213-780214 - notes of conv. w/ Nields re WH depo) notes of conv. w/ Eggleston re Foster file prod,
DF 780638-780640 - fax cover sheets w/ Qs from Nels.
DF 780704 - miscellaneous notes re document production
DF 780921-780981
DF 781168-781251
DF 781505-781508
DF 781515-781509 - letter from Leslie Berger re McLarty documents
DF 781523-781531 - communications w/ lawyers re document production
DF 781561 - Notes re priv guidance for Berger depo
DF 781845 - draft transmittal letter re TO documents
DF 781847-781849
DF 781901-781907 - JCS's notes of podcast briefing
DF 781932-781934 - Kendall memo to JS + NW re document production

(20)

Category II

Documents that provide questions and briefing materials for Congressional hearing purposes.

Bates-stamp #s:

DF 780030

DF 780066-780092

66-85 → ^{draft} summary of events w/ actors and chron (July 12, 95) (NW)
89-92 → NW memo to JS re NEC involvement;
based on docs that have been made public

115-7 - Natalie's notes re products of Monahan doc
 118-126 - NW analysis of prior document requests
 127-133 Larry Herman Qs + As
 134-145 NW's Monahan/Mateno analysis
 146-161 NW Summary of report review,
 GAO Report, FBI report
 162-167 NW Summary of issues
 168 - TPS re wit cooperation
 169-170 - TPS re wit cooperation

Ms. Wallman
 August 11, 1996
 Page 3

DF 780099-780107
 DF 780115-780187 - (see above)
 DF 780197-780209 Natalie's chronology re Monahan, "Furthest ICAAP"
 DF 780219-780221 NW's questions for an interview of Cornelius
 DF 780233 - Draft talking points re treatment of TD employees
 DF 780240-780637
 DF 780643-780663 655-7 - Memo re EP; 658-62 - TPS re prod of ~~internal~~ ^{internal review} material.
 DF 780700
 DF 780707-780721 712-717 - Chrt re HRC role, 718-21 memo re Neeson
 DF 780915-780920 - Notes of meeting w/ Cornelius's attorney
 DF 781450-781453
 DF 781457-781497 - NW work product on a variety of issues
 DF 781279-781355 - 781279 - Note re all meeting w/ Foster; 791369 -
 DF 781372-781394 372-3 - Index of notebook; 374 ⁹¹ - TPS re frgs.
 DF 781532-781557 ~~543~~ -
 DF 781562-781565.
 DF 781778-781844 781844 - Draft note re TD file)
 DF 781850-781854
 DF 781893-781900 - Neeson's notes

Category III

Documents regarding Mr. Foster's office review and files.

Bates-stamp #s:

DF 780008-780029
 DF 780048-780051
 DF 780222-780232
 DF 780234-780237
 DF 780722-780914
 DF 780982-781167
 DF 781252-781278
 DF 781408-781444

Ms. Wallman
August 11, 1996
Page 4

DF 781566-781570
DF 781571-781777

Pursuant to the Chairman's July 31, 1996 letter, all documents should be provided in a completely unredacted form no later than August 16, 1996. As you are aware, the White House permitted a very limited in camera review of the 2000 pages of withheld subpoenaed documents by the Chairman and designated Committee staff. Accordingly, the above list includes all Bates-stamp numbers identified by the White House as responsive on its May 23, 1996 Executive Privilege Log as well as additional responsive Bates-stamp numbers identified by the Committee during its limited review.

Although we recognize that certain sections or pages included within some series of the requested document may not specifically respond to one of the three categories — at this date, your production should provide these passages in order to allow the Committee Members a contiguous record by which it may place the responsive portions of the documents in context.

Please feel free call me at any time if you have any additional questions or require further clarification of the request.

Sincerely,

Barbara K. Olson
Chief Investigative Counsel

H. F. CLARK, JR., FORT LAUDERDALE
 GEORGIA
 HENRY A. CLARK, NEW YORK
 I. COLEMAN
 DR. DAVIDSON, ELIZON
 A. MORRILLA, MONTANA
 SPENCER BAYLY, CONNECTICUT
 J. SCOTT, NEW YORK
 J. SELL-ANTHONY, FLORIDA
 W. H. SELL, JR., NEW HAMPSHIRE
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 J. TATE, WASHINGTON
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 THOMAS T. BROWN, TEXAS
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 CARROLL, FLORIDA
 J. H. ARNOLD
 H. PETERSON, FLORIDA, ELIZON
 HENRY F. BASS, NEW HAMPSHIRE
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 TED WOLFE, PENNSYLVANIA

REPUBLICAN
INDEPENDENT

MAINTENANCE—(202) 223-6074
REPAIRS—(202) 223-6081

TO: KATHLEEN WALLMAN
FROM: BARBARA OLSON
DATE: AUG 12
PHONE: 202 - 456 - 6279

There will be a total of 5 pages, including this page.

Comments: Here is a corrected copy:
I found 3 sections to have
wrong page requests so I chged
those. Thanks, ~~BO~~

100 7

LIAM F. CLINGER, JR., PENNSYLVANIA
CHAIRMAN

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TEVEN SCHIFF, NEW MEXICO
JANA ROS-LEHTINEN, FLORIDA
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Congress of the United States

House of Representatives

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TIM HOLDEN, PENNSYLVANIA

BERNARD SANDERS, VERMONT
INDEPENDENT

MAJORITY—(202) 225-6074
MINORITY—(202) 225-6051

August 11, 1996

BY TELEFAX

Kathleen Wallman, Esquire
Deputy Counsel to the President
1600 Pennsylvania Avenue, Northwest
Washington, D.C. 20001

Dear Ms. Wallman:

Pursuant to your conversation with Chairman Clinger, I am enclosing a comprehensive listing of applicable Bates-stamp numbers which the Committee has been informed to be within the three categories of documents requested by the Chairman in his July 31, 1996 letter White House Counsel Jack Quinn.

This list of Bates-stamp numbers is being provided to assist in your production of the three categories but should not be interpreted to relieve the White House of its responsibility to provide all responsive documents within the scope of the Chairman's request. As you are aware, all of these documents were subpoenaed by the Committee in its January 11, 1996 subpoena, were identified by the White House as responsive to that subpoena but have not been produced pursuant to President Clinton's assertion of executive privilege.

Ms. Wallman
August 11, 1996
Page 2

List of Responsive Bates-Stamp Numbers

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DF 780638-780640
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DF 781515-781519
DF 781523-781531
DF 781561
DF 781845
DF 781847-781849
DF 781901-781907
DF 781932-781934

Category II

Documents that provide questions and briefing materials for Congressional hearing purposes.

Bates-stamp #s:

DF 780030
DF 780066-780092

Ms. Wallman
August 11, 1996
Page 3

DF 780099-780107
DF 780115-780187
DF 780197-780209
DF 780219-780221
DF ~~780226~~-780233
DF 780240-780637
DF 780643-780663
DF 780700
DF 780707-780721
DF 780915-780920
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DF 781457-781497
DF 781280-781355
DF 781372-781391
DF 781532-781557
DF 781562-781565
DF 781778-781844
DF 781850-781854
DF 781893-781900

Category III

Documents regarding Mr. Foster's office review and files.

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DF 780234-780237
DF 780722-780914
DF 780982-781167
DF 781252-781279
DF 781408-781444

Ms. Wallman
August 11, 1996
Page 4

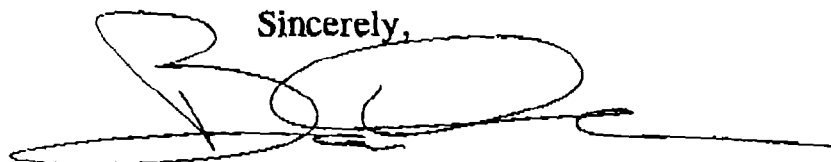
DF 781566-781570
DF 781571-781777

Pursuant to the Chairman's July 31, 1996 letter, all documents should be provided in a completely unredacted form no later than August 16, 1996. As you are aware, the White House permitted a very limited in camera review of the 2000 pages of withheld subpoenaed documents by the Chairman and designated Committee staff. Accordingly, the above list includes all Bates-stamp numbers identified by the White House as responsive on its May 23, 1996 Executive Privilege Log as well as additional responsive Bates-stamp numbers identified by the Committee during its limited review.

Although we recognize that certain sections or pages included within some series of the requested document may not specifically respond to one of the three categories -- at this date, your production should provide these passages in order to allow the Committee Members a contiguous record by which it may place the responsive portions of the documents in context.

Please feel free call me at any time if you have any additional questions or require further clarification of the request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Barbara K. Olson', with a long horizontal flourish extending to the right.

Barbara K. Olson
Chief Investigative Counsel

THE WHITE HOUSE

WASHINGTON

August 5, 1996

BY TELECOPIER

The Honorable William F. Clinger, Jr., Chairman
Committee on Government Reform and Oversight
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Dear Chairman Clinger:

You raised with us questions about certain gaps in the Bates numbering of the documents that were the subject of the President's invocation of executive privilege. We suggested that for ease in responding you put your specific questions in writing, which you did by letter dated July 24, 1996.

Pursuant to your request, we have reviewed the Bates numbers and ranges listed in your letter and have found that most of these documents were, in fact, in the production, although many were not in numerical Bates Stamp order. A few documents were removed after they had been stamped because they were duplicates of other documents in the set or determined to be subject to an understanding concerning documents reflecting congressional communications. One page should have been included in the set of documents produced to the Committee on May 30, 1996. It is a draft letter to outside counsel enclosing copies of certain documents produced to your Committee relating to the client of the outside lawyer. A copy is enclosed (DF 781849). In addition, there was one numbering error. A detailed explanation, document-by-document, follows.

We have adopted two conventions for ease of reference. First, certain documents we indicate have been "waived." This refers to the documents identified in your June 18, 1996 letter to Mrs. Collins as those you were not pursuing. Second, certain documents are indicated to be in the "consideration folder." In the June 18, 1996 letter, you also identified certain documents that you were prepared to discuss further with the White House. All of these documents were collected and placed in a single folder at the back of the documents reviewed by your staff. In other words, these documents were all made available for the Committee staff to review together with the other 2,000 pages. These documents are hereinafter referred to as documents in the "consideration folder."

Hon. William F. Clinger, Jr.
August 5, 1996
Page 2

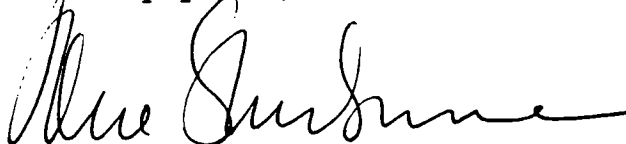
DF 780030	Same as DF 780183 (This document was identified in your letter of June 18, 1996 to Mrs. Collins as a document that you were prepared not to pursue in reaching an accommodation with the White House.)
DF 780050-51	Duplicate of 780048-49
DF 780172-80	Waived
DF 780181-87	Waived
DF 780623	Produced for review (The document is the back of a spiral notebook, so the page is dark.)
DF 780641-42	Waived
DF 780663-78	Consideration folder - produced for review
DF 780690	Produced for review
DF 780691-99	Waived
DF 780700	Waived
DF 780701-3	Consideration folder - produced for review
DF780705-6	Consideration folder - produced for review
DF 780827-59	Duplicate of 780794-826
DF 780920	Consideration folder - produced for review
DF 781096-98	Waived
DF 781110	Waived
DF 781356-68	Waived
DF 781392-444	Consideration folder - produced for review
DF 781445-47	Waived
DF 781448	Handwritten notes dated 8-2 reflecting congressional communications
DF 781449	October 23, 1995 memorandum reflecting congressional communications

Hon. William F. Clinger, Jr.
August 5, 1996
Page 3

DF 781450-53 Consideration folder - produced for review
DF 781509-14 Consideration folder - produced for review
DF 781526-27 Non-responsive
DF 781532-42 Waived
DF 781550-57 Consideration folder - produced for review
DF 781818 Duplicate of 780047
DF 781819-20 August 23, 1995 memorandum reflecting
 congressional communications
DF 781846 Duplicate of 780704
DF 781847 Duplicate of 781518
DF 781848 Duplicate of 781517
DF 781849 Enclosed
DF 781850-51 Duplicate of 780204-5
DF 781883-92 Consideration folder - produced for review
DF 781902 Produced for review
DF 781934 Numbering error on the log (The last page of the
 document is 781933. There is no 781934.)

Please let me know if you have further questions about
these documents.

Sincerely yours,



Jane C. Sherburne
Special Counsel to the President

cc: Hon. Cardiss Collins

September 14, 1995

BY FACSIMILE

John Benetivoglio, Esq.
Miller, Cassidy, Larroca & Lewin
2555 M Street, N.W.
Washington, DC 20037

Brian Foucart

Dear Mr. Benetivoglio:

In response to a request from the Committee on Government Reform & Oversight in connection with its Travel Office investigation, the White House produced documents previously obtained from your client and notes from interviews with your client during the White House management review. I am enclosing copies of those documents, which bear Bates Numbers CGE 1306-09 and CGEPR 260-67.

Please feel free to call me at (202) 456-5079, if you have any questions.

Sincerely,

Natalie Williams
Associate Counsel to the President

Enclosures


DF 781849

THE WHITE HOUSE
WASHINGTON

August 2, 1996

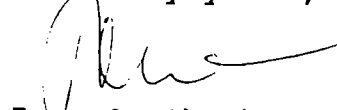
BY HAND

Barbara K. Olson
Chief Investigative Counsel
House Committee on Government Reform and Oversight
2157 Rayburn House Office Building
Washington, DC 20515-6143

Dear Barbara:

In reviewing documents in preparation for her deposition, Cheryl Mills noted that the copy of one page of her notes as produced to the Committee did not include a margin note that appears on the original. A corrected copy of this page is enclosed (Bates No. CGE 043383A).

Sincerely yours,



Jane C. Sherburne
Special Counsel to the President

Enclosure

cc: Donald Goldberg
Professional Staff Member

THE WHITE HOUSE
WASHINGTON

August 1, 1996

BY HAND DELIVERY

The Honorable William F. Clinger, Jr.
Chairman
Committee on Government Reform
and Oversight
2157 Rayburn House Office Building
U. S. House of Representatives
Washington, D.C. 20515

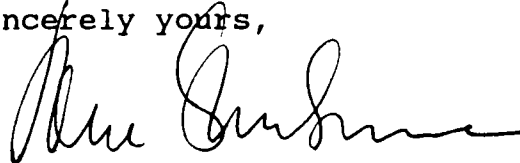
Dear Chairman Clinger:

This letter is in response to the request made during my deposition for certain documents. Enclosed are documents bearing Bates stamped numbers CGE 48343-48350.

CGE 48343-48344 is a June 11, 1996 letter from Mr. Howard Shapiro to me regarding certain requests for previous FBI reports made by the White House. The index referenced in this letter was provided to the Committee under the Bates stamped numbers of CGE 48000-48057 on July 9, 1996. CGE 48345-48350 is the White House's June 13, 1996 response to Mr. Shapiro's letter.

As always, we request that you treat these documents as "Highly Confidential" in accordance with the protocols set forth in Ms. Williams August 9, 1995 letter to Mr. Larsen.

Sincerely yours,



Jane C. Sherburne
Special Counsel to the President

cc: Honorable Cardiss Collins (w/enclosures)

THE WHITE HOUSE

WASHINGTON

July 31, 1996

BY FACSIMILE

The Honorable William F. Clinger, Jr., Chairman
Committee on Government Reform and Oversight
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Dear Chairman Clinger:

This letter responds to your letter of July 23, 1996 to Jack Quinn, in which you identify what you understand to be outstanding Committee requests. We have responded to your requests in letters dated June 25, July 5, July 8, July 9 (two letters), July 12, July 14, and July 16, 1996. As we have explained in these responses, our answers necessarily have been incomplete because the Independent Counsel requested that we secure both the Office of Personnel Security and the room in which the Office of Records Management maintains records archived from OPS. As a result, any records responsive to your numerous requests that may be located in these offices have been unavailable to us for review.

The Independent Counsel recently has permitted access to the records in ORM and we have begun the process of reviewing them for material requested by the Committee. Additional responsive documents will be provided shortly. As soon as we have access to documents in OPS, we will review them and produce any additional responsive material to you as promptly as possible.

The specific questions that you identify as outstanding are discussed below. In general, as we observed earlier, answering many of the questions repeated in your July 23, 1996 letter would require the White House to undertake an investigation of the FBI files matter, including the interviewing of witnesses. We have determined, as you know, not to undertake our own investigation in light of ongoing inquiries by others. We have, however, been providing documents to you that bear on the questions you raise. Further, your Committee has been questioning the relevant witnesses, both through depositions and in hearings, and we have encouraged White House officials to cooperate with your efforts. For example, the Committee has questioned Craig Livingstone, William Kennedy, Bernard Nussbaum, George Stephanopoulos and others about the hiring and clearance of Craig Livingstone. Further, you have reviewed Mr. Livingstone's confidential FBI file. Our own

inquiry of these same individuals for the purpose of providing to you answers to questions you have already asked them would appear to an unnecessary duplication of your own efforts.

1.) Who sponsored Mr. Livingstone during the Presidential transition for White House employment?

Response: We have provided all White House records we have been able to locate related to this question. As we are not conducting our own investigation, for the reasons set forth above, we do not have additional responsive information.

2.) What role did Eli Segal play in support of Mr. Livingstone's application?

Response: We have provided all personnel documents available to us related to the hiring of Mr. Livingstone. In addition, I am attaching to this letter a recent statement released by Mr. Eli Segal that addresses this question. As we are not conducting our own investigation, for the reasons set forth above, we do not have additional responsive information.

3.) Who provided letters of recommendation on Mr. Livingstone's behalf?

Response: We have provided all White House records we have been able to locate related to this question.

4.) Is it correct that although Mr. Livingstone was appointed on March 11, 1993, his security clearance was not approved until December of 1995?

Response: No. (Please see response to Question 5.)

5.) If Mr. Livingstone did not receive a security clearance until December of 1995, why did four White House Counsels permit him to review sensitive FBI background files?

Response: As I have explained in the course of deposition questioning, Mr. Livingstone's FBI background investigation was completed and adjudicated in March 1993; he was granted a temporary security clearance at that time, pending issuance of a permanent pass. On the basis of that and a review of his background file, in May 1993, the CIA granted Mr. Livingstone an SCI-level clearance.

Carrying on a practice that had been in place during prior administrations, favorable adjudication of a background check was considered the equivalent of a "Top Secret" clearance. (Of course, access to Top Secret material is afforded only to those with a "need to know.") Mr. Livingstone received his permanent pass in November 1993.

In August 1995, the President signed an Executive Order that had the effect of requiring that the White House undertake an independent review of a White House employee's file for purposes of granting a security clearance. Pursuant to the practice established as a result of this Executive Order, and as evidenced by documents we have provided to the Committee, Mr. Livingstone's security clearance was formalized in December 1995. For more information about the security clearance procedures, please refer to Jack Quinn's July 30, 1996 response to Chairman Clinger's letter of July 22, 1996.

6.) What role did Mr. Stephanopoulos play in hiring Mr. Livingstone and, considering their relationship, is it appropriate to have Mr. Stephanopoulos serve as your spokesman on this matter?

Response: We have provided all White House records we have been able to locate related to this question. We understand the Committee deposed Mr. Stephanopoulos and presumably used the opportunity to question him directly about this matter.

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Hon. William Clinger, Jr.
July 31, 1996
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Hon. William Clinger, Jr.
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Hon. William Clinger, Jr.
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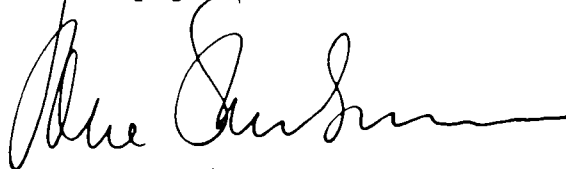
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We have been and will continue to be diligent in our efforts to review documents as they become available to us and to provide you with responsive material promptly.

Please give me a call if you have any questions.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Jane C. Sherburne", written in a cursive style.

Jane C. Sherburne
Special Counsel to the President

Enclosure

cc: Hon. Cardiss Collins (with enclosure)

ELI J. SEGAL

7/2/96

Statement

In December, 1992, at his request,

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Eli J. Segal

THE WHITE HOUSE
WASHINGTON

July 31, 1996

BY FACSIMILE

The Honorable William F. Clinger, Jr., Chairman
Committee on Government Reform and Oversight
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Dear Chairman Clinger:

This letter responds to your letter of July 23, 1996 to Jack Quinn, in which you identify what you understand to be outstanding Committee requests. We have responded to your requests in letters dated June 25, July 5, July 8, July 9 (two letters), July 12, July 14, and July 16, 1996. As we have explained in these responses, our answers necessarily have been incomplete because the Independent Counsel requested that we secure both the Office of Personnel Security and the room in which the Office of Records Management maintains records archived from OPS. As a result, any records responsive to your numerous requests that may be located in these offices have been unavailable to us for review.

The Independent Counsel recently has permitted access to the records in ORM and we have begun the process of reviewing them for material requested by the Committee. Additional responsive documents will be provided shortly. As soon as we have access to documents in OPS, we will review them and produce any additional responsive material to you as promptly as possible.

The specific questions that you identify as outstanding are discussed below. In general, as we observed earlier, answering many of the questions repeated in your July 23, 1996 letter would require the White House to undertake an investigation of the FBI files matter, including the interviewing of witnesses. We have determined, as you know, not to undertake our own investigation in light of ongoing inquiries by others. We have, however, been providing documents to you that bear on the questions you raise. Further, your Committee has been questioning the relevant witnesses, both through depositions and in hearings, and we have encouraged White House officials to cooperate with your efforts. For example, the Committee has questioned Craig Livingstone, William Kennedy, Bernard Nussbaum, George Stephanopoulos and others about the hiring and clearance of Craig Livingstone. Further, you have reviewed Mr. Livingstone's confidential FBI file. Our own

Hon. William Clinger, Jr.
July 31, 1996
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1.) Who sponsored Mr. Livingstone during the Presidential transition for White House employment?

Response: We have provided all White House records we have been able to locate related to this question. As we are not conducting our own investigation, for the reasons set forth above, we do not have additional responsive information.

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Response: We have provided all personnel documents available to us related to the hiring of Mr. Livingstone. In addition, I am attaching to this letter a recent statement released by Mr. Eli Segal that addresses this question. As we are not conducting our own investigation, for the reasons set forth above, we do not have additional responsive information.

3.) Who provided letters of recommendation on Mr. Livingstone's behalf?

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Response: No. (Please see response to Question 5.)

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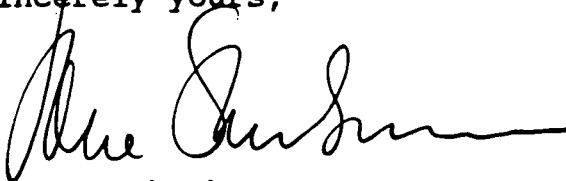
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Hon. William Clinger, Jr.
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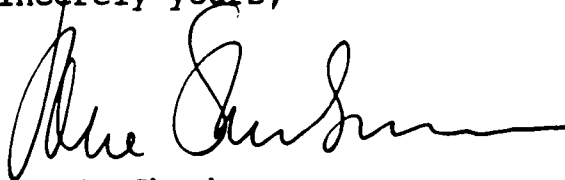
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WILLIAM F. CLINGER, JR., PENNSYLVANIA
CHAIRMAN

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CHARLES F. BASS, NEW HAMPSHIRE
STEVE C. LATOURETTE, OHIO
MARSHALL "MARK" SANFORD, SOUTH CAROLINA
ROBERT L. EHRLICH, JR., MARYLAND

ONE HUNDRED FOURTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

July 31, 1996

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TOM LANTOS, CALIFORNIA
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CHAKA FATTAH, PENNSYLVANIA
BILL K. SPEWSTER, OKLAHOMA
TIM HOLDEN, PENNSYLVANIA

BERNARD SANDERS, VERMONT
INDEPENDENT

MAJORITY—(202) 225-8074
MINORITY—(202) 225-6061

BY TELEFAX

Jack Quinn, Esquire
Counsel to the President
The White House
1600 Pennsylvania Avenue, Northwest
Washington, D.C. 20001

Dear Mr. Quinn,

I have now spent over six hours reviewing documents that your staff redacted as non-responsive to the Committee's January 11, 1996 subpoenas to the White House. Putting aside the issue of whether documents should contain any redactions in response to a subpoena, my review revealed that practically every redacted document had responsive information that should have been disclosed within the 2,000 pages of documents that you have not produced to this Committee to date.

In accordance with our agreement on production of the 2,000 withheld responsive documents, I am requesting production of the following documents in unredacted form not later than August 16, 1996:

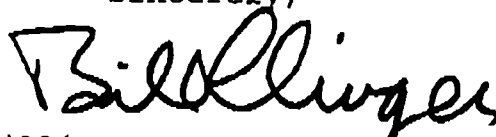
1. Documents that reflect communications with outside attorneys and debriefings from those attorneys or those clients about various interviews, depositions or Grand Jury appearances.
2. Documents that provide questions and briefing materials for Congress.

Mr. Quinn
July 31, 1996
Page 2

3. Documents regarding Mr. Foster's office review and files.

I have instructed Committee staff to work with you to assist in identifying any bates stamp numbers of these three categories of documents. I look forward to working with you to come to a conclusion on these matters.

Sincerely,

A handwritten signature in black ink that reads "Bill Clinger". The signature is written in a cursive, flowing style.

William F. Clinger, Jr.
Chairman

THE WHITE HOUSE
WASHINGTON

July 30, 1996

The Honorable William F. Clinger, Jr.
Chairman
Government Reform and Oversight Committee
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Clinger:

This letter responds to the questions posed in your letter of July 22, 1996:

1. **The name of the office or agency which has the responsibility of granting security clearances for White House staff members.**

We understand your use of the term "security clearance" in these questions to mean a certification that an individual who requires access to information classified for national security purposes has been found eligible for and may therefore be permitted access to classified information, assuming, of course, that the individual has a need to know the particular information to which he or she seeks access. Security clearances can cover "Confidential," "Secret" or "Top Secret" information.

It bears emphasis that access to classified information requires two things: first, an appropriate level of "clearance," and second, a particularized need to know the classified information that might be imparted. It would be quite incorrect to assume that individuals who have a "Top Secret" clearance may therefore see Top Secret information, without regard to whether they need to have such access.

Since October 1995, the Executive Office of the President (EOP) Security Office in the Office of Administration has been responsible for granting security clearances for White House Office staff. Before October 1995, White House Office staff access to classified information was a function of receiving a permanent pass permitting access to the White House proper. This is because up until that date, consistent with the practice of prior Administrations, and as more fully explained below in our response to No. 6, the issuance of a permanent White House pass was treated as equivalent to a Top Secret clearance, again, assuming a need to know. Issuance of a permanent pass, in turn, was determined based on completion of the appropriate FBI background investigation and other reviews and a subsequent "suitability" determination. The compilation of these investigations was undertaken by the White House Office of

Personnel Security, the office responsible for assisting the Counsel's Office in making suitability determinations for White House employees.

In addition, several agencies (e.g., CIA and DOE) maintain "special access programs" for information within their domains. Officials from those agencies are responsible for granting special clearances (e.g., SCI clearances or "Q" clearances) to eligible White House Office staff with a need to know.

2. **The name of the individual who is currently the head of the office or agency, and any other individuals who have headed that office since January, 1993.**

Charles C. Easley, the EOP Security Officer, has headed the EOP Security Office since October 1986.

Craig Livingstone headed the White House Office of Personnel Security from March 1993 until June 1996. Jane Dannenhauer headed the office before March 1993. On June 19, 1996, the responsibilities handled by the White House Office of Personnel Security were transferred to the EOP Security Office, which previously handled personnel security matters for the rest of the EOP agencies.

3. **The process by which an individual working in the White House obtains a security clearance. Please include in the explanation, a chain of command for the application and other paperwork, a description of the forms that are completed by the applicant, and where the records for the security clearances on White House staff are stored.**

The process for granting security clearances to White House Office employees is governed by EO 12968, which was promulgated on August 2, 1995. The process begins with a staff member completing the forms that must be submitted as a prerequisite to the initiation of the background investigation required of all White House Office staff members. The staff member completes the following documents: Standard Form (SF) 86 (and accompanying consent form) and an IRS Tax Waiver form. The SF 86 provides employment and other personal history information about the individual. The IRS Tax Waiver Form, when completed and signed by the individual, authorizes the IRS to release to the White House information about the individual's history of compliance with the tax laws.

Upon receipt of these completed forms, the EOP Security Office (or, until June 1996, the White House Office of Personnel Security) asks the FBI to initiate a background investigation and requests a tax check report from the IRS.

Upon favorable completion of the FBI background investigation and IRS tax check, the EOP Security Officer requests the employing office to indicate what level of access to classified information the staff member will require. The EOP Security Officer will then review the file and determine whether the individual is eligible for access to information at the level requested by the employing office. If a favorable adjudication is made, the individual is briefed on the procedures for handling, storage and transmission of classified information in accordance with EO 12958, dated April 17, 1995. The individual must also sign a non-disclosure agreement (SF-312), in which the individual pledges under penalty of criminal law not to disclose classified information to any unauthorized individual. At that point, by means of a written document known as a security determination, the EOP Security Officer grants the individual a security clearance at the appropriate level.

Currently, all documents involved in the granting of security clearances for White House Office employees are maintained in Room 84, OEOB (formerly the White House Office of Personnel Security) or in Room 4018, NEOB (the EOP Security Office). These documents include the security forms described above, the background investigation files, the employing office's request that the individual be granted a security clearance, the SF-312, and the written security determination.

EO 12968 also provides for the granting of a temporary security clearance, which may be done when the employee has completed the security forms described above and a background investigation has been initiated.

- 4. Please state whether current FBI full field background investigations are used in the completion of security clearances for White House staff members.**

Yes.

- 5. Please state whether the completion of a Name Check request can constitute the basis for a security clearance, for any purpose, in the White House.**

Completion of a name check request alone cannot constitute the basis for a security clearance, unless the name check request reveals the existence of a recent background investigation that may make a new background investigation unnecessary. EO 12968,

since August 2, 1995 the executive order governing the granting of security clearances, provides that a security clearance (even a temporary one) may not be granted until a full field background investigation is initiated.

6. **State whether the process in place for the granting of security clearances in the White House has changed in any way since January of 1993. If so, please provide a full explanation of any amendments to the process, and the reasons for those amendments.**

The process for granting security clearances to staff of the White House Office changed in October 1995 as a result of new procedures implemented in accordance with EO 12968, which was promulgated on August 2, 1995. One effect of this new executive order was to subject the White House Office to the same regime that governs other agencies' granting of security clearances.

Prior to this, the granting of security clearances for executive branch employees was governed by EO 10450, which did not apply to the White House Office. Accordingly, throughout the Bush and Reagan Administrations and up until October 1995, the White House Office did not formally grant security clearances to its employees. Because the procedures and criteria for issuing permanent White House passes were similar to those required for issuing clearances under EO 10450, the White House Office before October 1995 considered a White House pass to be the equivalent of a "Top Secret" clearance. Accordingly, the White House Office permitted employees with permanent White House passes and a need-to-know to have access to classified information up to the Top Secret level. This practice was followed in the Bush and Reagan Administrations. In promulgating EO 12968, however, the Clinton Administration consciously chose to draft it in such a way that it applied to the White House Office, in the belief that White House Office staff should be subject to the same security clearance procedures required for employees throughout the executive branch.

Prior to October 1995, matters relating to White House Office employee access to classified information were handled by the White House Office of Personnel Security, because that office coordinated the issuance of White House passes, which were treated as granting access to classified information on a need-to-know basis.

7. **State if, at any time, the granting of a temporary pass by the U.S. Secret Service to a White House employee constituted any level of security clearance. If so, please state the level of security clearance conferred upon a White House temporary passholder.**

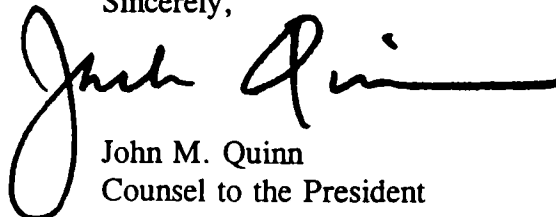
As discussed above, until October 1995 and for many years before, a permanent White House pass was treated as equivalent to a Top Secret clearance, on a need-to-know basis. As a result of changes instituted by the Clinton Administration, the security clearance process for White House Office employees has been formalized. The determination that an individual may have access to national security information is now separate from the determination that the individual may hold a White House permanent pass.

The issuance of a temporary pass alone has not in this Administration been viewed as the automatic equivalent of any level of security clearance. However, there have always been circumstances in which the holder of a temporary pass may be granted a security clearance on another track -- for example, a temporary employee with a completed background investigation at another agency that could form the basis for an eligibility determination, or an employee whose background investigation has been favorably completed but to whom a permanent pass has not yet been issued.

8. **State if, at any time, the granting of a permanent pass by the U.S. Secret Service to a White House employee constituted any level of security clearance. If so, please state the level of security clearance conferred upon a White House permanent passholder.**

This question is answered in the response to No. 6, above.

Sincerely,



John M. Quinn
Counsel to the President

cc: The Honorable Cardiss Collins