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FBI Files Matter - Correspondence with House Government Reform & Oversight Committee
[3]

Staff Office-Individual:

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COMMITTEES
COMMERCE
GOVERNMENT REFORM AND OVERSIGHT

PHILIP M. SCHLARG
ADMINISTRATIVE ASSISTANT

Congress of the United States
House of Representatives
Washington, DC 20515-0529

HENRY A. WAXMAN
29TH DISTRICT, CALIFORNIA

July 26, 1996

The Honorable William Clinger, Jr.
Chairman
Committee On Government Reform and Oversight
2172 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

I am writing about the Special Order you held on the House floor last night, in which you released information from Craig Livingstone's FBI file.

During your Special Order you said that former FBI agent Dennis Sculimbrene reported that Bernard Nussbaum and William H. Kennedy, III told him that the First Lady Hillary Rodham Clinton recommended Craig Livingstone for his job because she knew his mother. Prior to last night, at a committee hearing on June 26, 1996, Republican members repeatedly asked questions of the witnesses about a relationship between Hillary Rodham Clinton and Mr. Livingstone and his family -- although it was unclear at that time what the factual basis for those questions were.

As you know, Mrs. Clinton, Mr. Nussbaum, Mr. Kennedy, Mr. Livingstone, and Mr. Livingstone's mother, Gloria Livingstone, have all provided statements that Mr. Sculimbrene's account is untrue.

In a conversation between our staffs last night, your staff conceded that you have no tangible evidence that Mrs. Clinton and Mrs. Livingstone have ever met. In addition, and most surprisingly, your staff conceded that despite last night's charges you have made no attempts during the course of your long investigation to obtain any direct evidence from Gloria Livingstone about any relationship she might have with Mrs. Clinton. I understand, for example, that you and your staff have not even interviewed Mrs. Livingstone, that you have not asked your staff to obtain any relevant information to support the claim of a relationship between her and Mrs. Clinton, and that you have made no effort to discover how and under what circumstances Mrs. Clinton and Mrs. Livingstone might have first met and what subsequent contacts they might have had.

The Honorable William Clinger, Jr.
July 26, 1996
Page 2

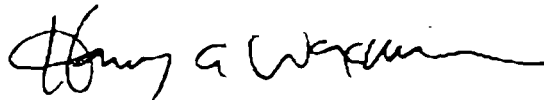
In addition, I object strongly to the refusal of my request yesterday to review the deposition Mr. Sculimbrene gave your staff last week. Early yesterday afternoon, your staff told my staff that the deposition was not available since it had not been concluded and was therefore not yet printed. Later in the day, however, indeed minutes before you began your Special Order, your staff called the Minority staff of the Government Reform and Oversight Committee from the House floor to indicate that he had been in error earlier and that a printed deposition was available.

I now understand that even though a printed copy is available to the Majority it is not being shared with Congressional Democrats or the public.

I am very troubled by this procedure. The allegations you raised last night, which have been denied by everyone with first-hand knowledge, depend on the veracity and credibility of Mr. Sculimbrene. Until we have an opportunity to review his deposition, we cannot get to the core of this matter. In addition, I request that Mr. Sculimbrene be called to testify before the committee before any other hearings are held on this matter.

I request a copy of Mr. Sculimbrene's deposition and that it also be made immediately available to the public given the seriousness of your allegations. Finally, I request that you verify by 5:00 P.M. today that you have no direct evidence of a relationship between Mrs. Clinton and Mrs. Livingstone and that you have made no attempts to acquire such information.

Sincerely,



HENRY A. WAXMAN
Member of Congress

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

July 24, 1996

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INDEPENDENT

MAJORITY—(202) 522-6074
MINORITY—(202) 522-6071

Jack Quinn, Esq.
Counsel to the President
The White House
Washington, DC 20500

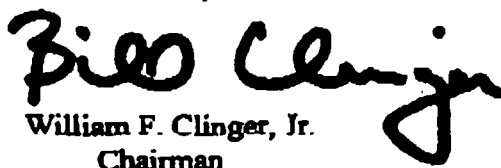
Dear Mr. Quinn:

I would like to briefly respond to your July 12, 1996 letter which purports to memorialize certain agreements made at our meeting that day. The following are the only issues which I believe we came to an agreement upon.

First, I have agreed that White House Counsel deponents will not be required to respond to questions with respect to any direct communications between White House Counsel and Committee Members. Second, I agreed that any direct communications between the Independent Counsel and Committee Members would not be a subject of inquiry. The foregoing do not limit our ability to question White House witnesses about their preparations of questions and scripts for our Committee hearings. Accordingly, I did not exclude questions concerning White House debriefings of outside private counsel following their appearances before the Independent Counsel.

I hope this clarifies the understandings we reached in our meeting.

Sincerely,


William F. Clinger, Jr.
Chairman

cc: Honorable Cardiss Collins

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

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INDEPENDENT

MAJORITY - (202) 225-6544
MINORITY - (202) 225-6541

July 24, 1996

7/27

Wendy -
Would you
please prepare a response to
this. Thanks -
Jane

Jack Quinn, Esq.
Counsel to the President
1600 Pennsylvania Avenue, Northwest
Washington, DC 20515

Dear Mr. Quinn:

The following documents were not included in the White House production for review of Executive Privilege documents withheld from this Committee. These 205 pages of documents responsive to the Committee's January 11, 1996, subpoena were not listed on the May 23, 1996, White House privilege log.

DF 780030
DF 780050 - 780051
DF 780172 - 780187
DF 780623
DF 780641 - 780642
DF 780663 - 780678
DF 780690 - 780703
DF 780705 - 780706
DF 780827 - 780859
DF 780920
DF 781096 - 781098
DF 781110

DF 781356 - 781368
DF 781392 - 781453
DF 781509 - 781514
DF 781526 - 781527
DF 781532 - 781542
DF 781550 - 781557
DF 781818 - 781820
DF 781846 - 781851
DF 781883 - 781892
DF 781902
DF 781934

Please provide a production log with the copies of these documents to the Committee immediately.

Sincerely,

William F. Clinger, Jr.
Chairman

WILLIAM F. CLINGER, JR., PENNSYLVANIA
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
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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

July 19, 1996

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BERNARD SANDERS, VERMONT
INDEPENDENT

MAJORITY—(208) 225-6074
MINORITY—(202) 226-6061

Jack Quinn, Esq.
White House Counsel
The White House
Washington, DC 20500

Dear Mr. Quinn:

As you know, the problems in obtaining permanent passes and delays relating to FBI background investigations are among the numerous problems discovered in the Clinton Administration's Office of Personnel Security which operated under the auspices of the Counsel's office.

These matters have been a focus of the Committee's ongoing investigation in light of the inappropriate acquisition of FBI background files of hundreds of Bush and Reagan officials at the same time when the White House was not completing FBI background investigations of its own new employees.

In recent depositions and testimony before the Committee, Secret Service agents described instances in which the issuance of permanent passes were denied for certain new employees in the Clinton White House due to recent and/or extensive drug use. The agents further informed the Committee that an individual random drug testing program was developed and instituted by the White House Counsel's office as a result of the drug histories of certain individuals for whom the White House Counsel's office sought access to the White House.

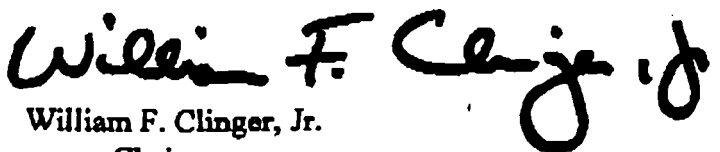
The Committee would appreciate receiving the following information in connection with the initiation and operation of the program for individuals at the White House with recent drug use. At this time, we are not requesting any information identifying the individuals involved in the individual random testing program itself.

1. All records relating to any instances in which the Secret Service turned down or raised concerns about any requests for permanent or temporary passes and any contacts or meetings discussing how to deal with such situations.

2. All records relating to any instances in which the Secret Service raised concern about Craig Livingstone, Lisa Wetzi, Anthony Marceca or Bill Kennedy.
3. All records relating to the individual random drug testing program including, but not limited to, all records concerning the development of such a program, any changes or modifications to the program, the operation of the program and the guidelines, rules and regulations regarding the program, the individuals involved with overseeing and supervising the program and how the program relates to the EOP's Drug Free Workplace Plan and any review or approval of the plan by the Justice Department.
4. All records relating to any documents or agreements that White House staff or Executive Office of the President staff in this individual random drug testing program are required to review or sign.

Please provide this information by 5 p.m. Tuesday, July 30, 1996.

Sincerely,

A handwritten signature in black ink, reading "William F. Clinger, Jr." in a cursive style.

William F. Clinger, Jr.
Chairman

THE WHITE HOUSE
WASHINGTON

July 18, 1996

The Honorable William F. Clinger
Chairman
Committee on Government Reform and Oversight
2157 Rayburn House Office Building
Washington, DC 20515

Dear Mr. Chairman:

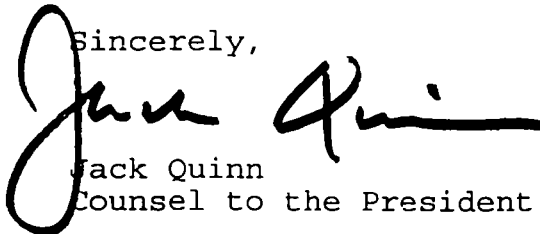
I appreciate our having been able to find a mutually acceptable way to handle the so-called "redactions" issue in our phone conversation today.

I understand that we will meet early next week to review the redacted documents, that you will be present throughout the session, accompanied by a staff member, and that Mrs. Collins or a designee and a member of her staff will also be welcome. We agreed, as well, that the Committee will not request redacted material, or any other material on the same topic as the redacted material, except to the extent that it was called for by the Committee's earlier subpoena. And, we understand that you reserve the right to request material, if any, that relates to Mr. Livingstone.

These agreements are, as I mentioned to you, particularly important in light of the fact that we are agreeing to provide access to material that is not only confidential, but also outside the scope of the Committee's document requests. I look forward to seeing you next week and putting this phase of the Committee's inquiry behind us.

Best regards,

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, sweeping underline.

Jack Quinn
Counsel to the President

CC: MRS. COLLINS

THE WHITE HOUSE

WASHINGTON

July 18, 1996

BY HAND DELIVERY

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:

We understand you have indicated an interest in the circumstances under which the White House identified and produced to your Committee Billy Dale's FBI file.

In the course of gathering documents responsive to your request for all White House records related to Billy Dale, in December 1995, Tom Taggart of the Office of Records Management (ORM) located a file that had been archived by the Office of Personnel Security (OPS) containing Billy Dale's FBI background file. Mr. Taggart notified then-Associate Counsel Natalie Williams of the file. Because we already had notified your staff that we did not understand the Committee to be requesting confidential personnel material that otherwise would be subject to the Privacy Act, Ms. Williams did not retrieve the file at that time. Mr. Taggart's communication with Ms. Williams on this subject is reflected in the attached document from ORM.

In mid-February, the Counsel's Office hired Wendy White as a Special Associate Counsel to assist in completing our response to your Committee's January 11, 1996 subpoena, which included another request for confidential personnel material. Ms. Williams informed Ms. White about the Billy Dale file maintained by ORM so that Ms. White would know to retrieve it should the Committee insist that we produce such material. When we reviewed with you the outstanding document issues at our meeting on February 15, 1996, we proposed that the matter of personnel material might be resolved in a manner that protected the privacy of the individuals involved, including Billy Dale, by your review of the material in camera. At that time, although Ms. Williams was aware that the FBI file existed, no one had reviewed it.

Hon. William Clinger, Jr.
July 17, 1996
Page 2

Our proposal to you was unanswered until May 2, 1996, when you implicitly rejected our request for sensitive treatment of personnel material by insisting that the White House either produce all documents responsive to the Committee's subpoena or formally assert executive privilege. On May 9, 1996, the President asserted a protective claim of executive privilege over all material called for by the Committee's subpoena that had not yet been produced, including the personnel material. At that time, the Billy Dale FBI file still had not been retrieved from ORM or reviewed by anyone from the Counsel's Office.

The protective assertion of privilege, a blanket invocation asserted in accordance with procedures adopted in the Reagan Administration, gave us an opportunity to formulate a recommendation on the assertion of executive privilege with respect to each particular document. We undertook this process with lawyers from the Department of Justice, who reviewed those materials we had preliminarily identified as being candidates for an assertion of privilege. Even before consulting with DOJ, however, we agreed that we would not recommend a claim of executive privilege over personnel material. Accordingly, there was no need to review this material with DOJ and we did not do so.

On May 21, 1996, Ms. White obtained the FBI file from ORM. No one reviewed the file before May 21, 1996, which was after the decision to produce personnel material already had been made. Under Ms. White's supervision, the file -- which included the form submitted to the FBI requesting Mr. Dale's previous reports -- was copied and produced to the Committee on May 30, 1996 with the other documents we had designated for production.

In his July 4, 1996 column in the New York Times, William Safire reports that the White House story has Ms. White removing the Billy Dale FBI file from the stack of documents we anticipated producing to the Committee before providing the stack for my review. As it turns out, the Billy Dale FBI file was not among the documents I reviewed because the stack was provided to me before Ms. White retrieved the file from ORM. Although we had discussions, as described above, about the production of personnel material generally, we had no discussion whatsoever about whether the Billy Dale FBI file should be produced.

Hon. William Clinger, Jr.
July 17, 1996
Page 3

At the request of your staff, enclosed is a statement from Ms. White describing her involvement in these matters. Please let me know if you have further questions.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Jane C. Sherburne". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jane C. Sherburne
Special Counsel to the President

Enclosures

cc: Hon. Cardiss Collins (w/enclosures)

Today on 12/27/95 I met ^{background} ~~with~~ ^{with} William
about Billy Dale's FBI ^(Retired) report that ^{is} ^{being}
we received with other files from Craig
Livingstone. She said that this file
involved personal & personnel privacy
issues - would not be sent to the Committee
nor would it be released. She is not
interested in seeing file.

Tom Taggart Jr.

12/27/1995

July 18, 1996

STATEMENT OF WENDY S. WHITE
CONCERNING PRODUCTION OF BILLY DALE FBI FILE

I was hired as a Special Associate Counsel in the White House Counsel's Office to assist in the production of documents in response to the January 11, 1996 subpoena to the White House from the House Committee on Government Reform and Oversight related to the Travel Office matter. I started work on February 14, 1996. At that time, much of the work had been completed for the production; but there was more to do.

Shortly after I started, Natalie Williams, who had been working on the subpoena response, returned to private practice. Before she left, she provided me with certain information I needed in order to complete the production. During this transition period, she advised me that the Office of Records Management maintained a Billy Dale file responsive to the subpoena that should be retrieved from ORM if the Committee and White House reached agreement that the file should be produced for in camera review or otherwise.

On February 26, 1996, the White House produced the bulk of the remaining documents to the Committee, with a transmittal letter identifying certain outstanding issues, including the treatment of personnel material. In the letter, the White House invited the Committee to discuss this issue further to reach an accommodation. Since the issue of the treatment of personnel file was unresolved, I did not retrieve the Billy Dale file at that time.

On May 2, 1996, Chairman Clinger advised the White House that all outstanding documents responsive to the January 11, 1996 subpoena must either be produced or identified as subject to a claim of executive privilege. Consequently, on May 21, 1996, I had the Office of Personnel Security retrieve the Billy Dale file from the Office of Records Management. At my direction, the file was then copied and prepared for production. I gave the original file back to the Office of Personnel Security on May 23, 1996 to be returned to ORM. The White House produced the Billy Dale file to the Committee, together with the other documents, on the morning of May 30, 1996.

Wendy S. White

THE WHITE HOUSE
WASHINGTON

July 16, 1996

BY FACSIMILE

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 your letter of July 15, 1996 to Mr. Terry Good in which we understand you to request copies of all WAVES requests for appointments by Anthony Marceca at the White House from January 20, 1993 to the present. The information responsive to this request is currently in a room that we have secured at the request of the Office of the Independent Counsel. When we have access to the documents, we will provide a response.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Jane C. Sherburne", with a long, sweeping horizontal stroke at the end.

Jane C. Sherburne
Special Counsel to the President

cc: Honorable Cardiss Collins

THE WHITE HOUSE
WASHINGTON

July 14, 1996

BY FACSIMILE

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:

Following is the salary information requested in
Paragraphs 3 and 12 of your letter of June 21, 1996:

Mari Anderson	2/15/93: \$24,000
	3/13/94: \$26,000
	4/24/94: \$30,000
Mary Childs	\$25,694
Jane Dannenhauer	\$70,254
Jonathan Denbo	9/19/95: \$22,500
	10/15/95: \$24,000
Nancy Gemmell	\$51,364
Edward Hughes	4/12/94: \$21,000
	1/1/95: \$24,000
	9/11/95: \$30,000
Kari Johnson	\$25,872
Craig Livingstone	2/8/93: \$45,000
	10/10/93: \$51,000
	1/8/95: \$57,500
	10/1/95: \$63,750
Anthony Marceca	detailee (salary not paid by White House)

Hon. William F. Clinger, Jr., Chairman
July 14, 1996
Page 2

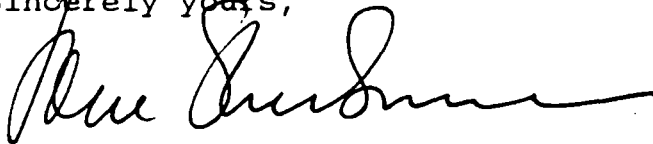
Lisa Wetzel	8/15/93:	\$21,000
	4/24/94:	\$22,500
	10/9/94:	\$28,500

The salary history for William Kennedy is as follows:

2/10/93:	\$98,000
12/5/93:	\$110,000

We request that you treat this information 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

WC

THE WHITE HOUSE

WASHINGTON

July 12, 1996

BY TELECOPY

William F. Clinger, Chairman
House Committee on Government Reform and Oversight
2157 Rayburn House Office Building
Washington, DC 20515-6143

Dear Mr. Chairman:

Thank you for meeting with us this morning to discuss the proposals set forth in my letter of yesterday about depositions of White House lawyers and redactions of privileged documents.

As to the upcoming depositions of White House Counsel lawyers, I think we have made real progress in establishing an orderly process for the Committee to obtain the information in which it has a legitimate interest. With counsel for the witnesses knowing in advance the subject matters to be covered, as well as those to be excluded, the depositions should proceed with a minimum of interruptions and delays.

My understanding, then, is that counsel for White House lawyers who the Committee intends to depose can expect to hear from the Committee about the general subject matters to be covered at the deposition -- e.g., the finding of the Watkins memorandum. Further, these witnesses will not be asked questions regarding communications with the Congress in connection with this and other congressional investigations or our activities in connection with the Independent Counsel's investigation. However, I accept your modification regarding questions directed at our internal White House preparation for congressional hearings: in that regard, the lawyer-witnesses will answer questions about whether they engaged in specific wrongdoing or impropriety with respect to the Committee's investigation.

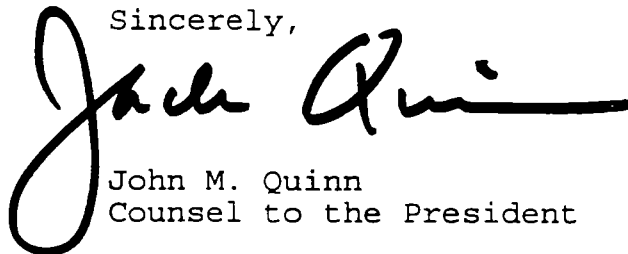
At our meeting today, I also restated our acceptance of your June 18 proposal to Mrs. Collins describing a process to resolve questions that a witness declines to answer because they implicate an executive privilege that has not been waived. To expedite that process, I committed to make our best efforts to respond to all such questions propounded in writing after the

deposition -- either with an answer or an assertion of privilege
-- within four days of our receiving the questions.

Finally, you indicated that you would like to reflect further on our suggestion that, as an alternative to Member-only review of redacted documents, we would designate a neutral third party to confirm the accuracy of the redactions in question. It is still my feeling that such a procedure -- where Members have the availability of a qualified, outside party -- offers the best and swiftest means to reach closure without a prolonged impasse on this last outstanding document issue.

Again, thank you, Mr. Chairman, for your time and effort in working with us to resolve these matters.

Sincerely,

A handwritten signature in black ink, appearing to read "John M. Quinn". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

John M. Quinn
Counsel to the President

cc: Hon. Cardiss Collins

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 20515-8143

July 11, 1996

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BERNARD SANDERS, VERMONT
INDEPENDENT

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

President William J. Clinton
The White House
Washington, D.C. 20500

Dear President Clinton:

As you are aware, the Committee on Government Reform and Oversight is conducting an investigation with respect to the White House Travel Office and related matters. This investigation is being conducted pursuant to the Committee's authority under Rules X and XI of the House of Representatives.

On Wednesday, June 26, 1996 the House Government Reform and Oversight Committee held a hearing during which it received testimony related to the hiring of David Craig Livingstone as Director of the Office of White House Personnel Security. The hearing panel included Bernard W. Nussbaum, William H. Kennedy III and David Craig Livingstone. Although Mr. Nussbaum accepted ultimate responsibility for Mr. Livingstone's appointment, he did not know who had originally hired Mr. Livingstone. Similarly, Mr. Kennedy accepted responsibility for approving the appointment of Mr. Livingstone, yet he did not know who had authorized the initial placement of Livingstone in the White House. Mr. Livingstone himself was unable to inform the Committee who had authorized his transition from the Inaugural Committee to Presidential advance work, to his appointment as Director of White House Personnel Security. Accordingly, the Committee is attempting to gather information on the hiring or appointment of Mr. Livingstone from other sources.

In order to enable this Committee to perform a thorough review of all events under investigation, I am requesting the production of all records created during the Clinton/Gore transition period relating to hiring David Craig Livingstone or Anthony Marceca for inaugural staff and/or White House employment. It is my understanding that there are documents, referred to as transition papers, which discuss recommendations for staff members or volunteers to be placed in positions within the administration.

President William J. Clinton
July 11, 1996
Page Two

I am hoping that the transition papers may shed some light on who participated in the hiring of Mr. Livingstone. I would ask that you please direct this request to the custodian of the transition papers for the Clinton administration and instruct that individual to immediately respond to the Committee. Thank you for your cooperation in this matter.

Sincerely,


William F. Clinger, Jr.
Chairman

cc: Representative Cardiss Collins

WC

THE WHITE HOUSE

WASHINGTON

July 10, 1996

BY TELECOPY

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

Dear Mr. Chairman:

I appreciate the opportunity to meet with you tomorrow to discuss two issues that have arisen in connection with your ongoing investigations. In anticipation of our meeting, I want to outline my thoughts about how these issues might be resolved.

1. Depositions of White House Lawyers. The Committee seeks to depose several White House lawyers whose work has included preparing for your and other congressional hearings and responding to the Independent Counsel's investigations. We are prepared to proceed with these depositions pursuant to an understanding about scope and how privilege issues will be handled during the depositions.

Specifically, we propose the following:

As to scope, in advance of the depositions, the Committee would describe to counsel for the witnesses the general subject matters proposed to be raised in that witness's deposition (e.g., the finding of the so-called Watkins Memorandum). Of course, in accordance with the understandings we reached governing your review of the executive privilege documents, to the extent that any of these witnesses has factual knowledge about the FBI files matter and the circumstances surrounding the production of the Billy Dale FBI file he or she would be authorized to answer questions related to those subjects. However, also consistent with these understandings, the Committee would not ask questions about (i) White House preparation for congressional hearings, including communications with Members of Congress or congressional staff, or (ii) our work in connection with the Independent Counsel's investigations.

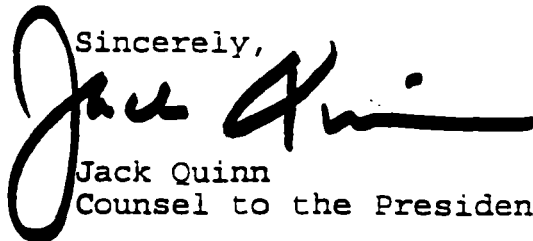
As to privilege issues, we agree to the proposal you set forth in your June 18, 1996 letter to Mrs. Collins -- that is, if, during a deposition, a question is posed that the witness believes may call for information implicating an executive privilege that has not been waived, the witness would decline to answer such question. Following the deposition, the Committee may elect to pursue the matter by submitting to the White House in writing the question that the witness declined to answer. This will permit an opportunity for the White House to determine whether a claim of privilege should be asserted.

I believe this proposal will provide an orderly way for the Committee to get the information that it needs while protecting the legitimate interests of the White House.

2. Redacted Documents. I understand that you would like to discuss a way to verify our representation to you that the material redacted from the documents provided to the Committee for in camera review is, in fact, not responsive to the Committee's subpoena. We are prepared to undertake such a process -- perhaps with a sample of such documents -- on a Members-only basis. An alternative we might consider would be to designate a neutral third party to confirm the accuracy of the redactions. I understand that such a mechanism has been used successfully by other Committees, and it may therefore be useful in this context as well.

I look forward to discussing these matters with you tomorrow.

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, sweeping underline.

Jack Quinn
Counsel to the President

cc: The Honorable Cardiss Collins

THE WHITE HOUSE
WASHINGTON

July 9, 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 further response to your letter of June 21, 1996.

Enclosed are documents we have identified thus far that are responsive to your requests bearing the Bates stamped numbers CGE 47835-48077, 48079-48125, 48128-48218, 48220-48228. 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.

As you are aware, certain documents are unavailable to us for review at this time due to restrictions placed on us by the Independent Counsel. As soon as we are able to review these documents, we will provide additional responsive materials.

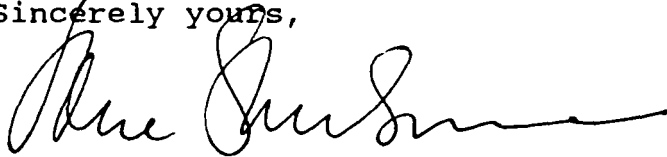
In response to Questions No. 4 & 5, attached to this letter is a list of employees, detailees and interns who have worked in the Office of Personnel Security. Information about the dates each received a security clearance is inaccessible at the present time.

Documents previously produced, or in this production, contain certain information about salaries of persons working in the Office of Personnel Security. We will provide additional information responsive to Question No. 3 shortly.

Hon. William F. Clinger, Jr., Chairman
July 9, 1996

Finally, the request stated in Question No. 6 generated a great deal of confusion. We have enclosed a copy of the clarification we provided for your information.

Sincerely yours,

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

Jane C. Sherburne
Special Counsel to the President

cc: Honorable Cardiss Collins (w/enclosures)

Hon. William F. Clinger, Jr., Chairman
July 9, 1996

Attachment

Current and Previous Employees, Office of Personnel Security

Mari Anderson
Mary Childs
Jane Dannenhauer
Jonathan Denbo (started as employee 9/19/95)
Nancy Gemmell
Edward Hughes (started as employee 4/12/94)
Kari Johnson
Craig Livingstone
Anthony Marceca (detailee)
Lisa Wetzl (started as employee 8/15/93)

Interns

Summer 1993

Lisa Wetzl
Erin Bertocci
Luis Colon
Melissa Evantash

Fall 1993

Samantha Ziskind
Joseph Foudy

Spring 1994

Erik Aslaksen
Karen Felder
Edward Hughes

Summer 1994

Gina Gibson
Jonathan Denbo
Angel Hernandez
Charles Johnson

Fall 1994

Julie McCord
Salvatore Recupero
Christian Jacobus
Jill Mikulski

Hon. William F. Clinger, Jr., Chairman
July 9, 1996

Winter 1994
Myongrae Lee

Spring 1995
Devon Tervay
Christopher Allen

Summer 1995
Jessica Luterman
Emily Moulton
Benjamin Morrison
Robert Hsuing

Fall 1995
Michael Riccardi
Stacey Speigel

Winter 1995
none

Spring 1996
Jennifer Dowdell
Darren Hamrick

Summer 1996
Richard Orintas
Lawrence Yeatman

THE WHITE HOUSE

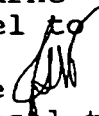
WASHINGTON

June 25, 1996

MEMORANDUM

TO: All Staff of the White House and Office
of Administration

FROM: Jane C. Sherburne
Special Counsel to the President

Wendy S. White 
Associate Counsel to the President

RE: Clarification of House Committee Document Request
of June 21, 1996
(Memorandum to Staff dated June 24, 1996)

We have received a number of telephone calls concerning the scope of the above request. We have redrafted the request, in order to clarify what documents we believe are being sought, as follows:

All memos to and/or from Craig Livingstone, Anthony Marceca, William Kennedy, Bernard Nussbaum, Vincent Foster, Joel Klein, Lloyd Cutler, Abner Mikva, John M. Quinn, Jane Sherburne, Beth Nolan, Cliff Mauton, Christopher Cerf, Trey Schroeder, Ed Hughes, Jonathan Denbo, Mari Anderson or Ms. Lisa Wetzel regarding --

1. Procedures for the updating of White House passes;
2. Security clearance procedures and the use of FBI background files requested by or on behalf of the White House Office of Personnel Security; or
3. The operation of the Office of Personnel Security.

The request, as we understand it, does not require production of your Personal Data Statement & Questionnaire or communications with the Office of Personnel Security about individual matters. In addition, you need not produce at this time any routine requests for White House passes or requests for security clearances prepared in the ordinary course of business.

We understand that this request raises a number of issues. Please do not hesitate to call us for help in resolving them. (Jane Sherburne 6-5116 or Wendy White 6-7361).

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THE WHITE HOUSE
WASHINGTON

July 9, 1996

BY HAND DELIVERY

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:

In accordance with the representation I made yesterday in my letter transmitting the bulk of the White House records you requested from the FBI, enclosed is a copy of the Update Project file you also requested. (CGE 48229-48342.) I understand we have now provided you with all of the White House records you requested from the FBI. Please let me know if you have a contrary understanding.

Let me clarify the misapprehension reflected in your letter of today to Mr. Quinn. On June 6, 1996, the White House provided the FBI with three boxes of material, two of which contained primarily FBI files and a third that contained what appeared to be miscellaneous files. We did not examine the contents of the boxes other than to identify file labels so we were not able to determine whether the third box contained material in which the FBI would have an interest. Erring on the side of caution, we decided to provide the entire box to the FBI and the FBI agreed to provide us with a copy. Contrary to the assumption in your letter, we did not just receive this material yesterday (although the FBI inexplicably did provide us with another copy). Rather, the FBI provided us with a copy within a few days of June 6, 1996. Mr. Shapiro's letter transmitting this material is attached.

When contacted by the FBI on July 3, 1996, we were simply asked whether the White House had any objection to the production of certain White House records to the Committee. We were not told when the Committee had made its request or that the Committee was expecting to receive such material on July 3,

Hon. William F. Clinger, Chairman
July 9, 1996
Page 2

1996. In accordance with standard practice, we informed the FBI that we would produce these White House records to the Committee, which we now have done.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'Jane Sherburne', with a long horizontal flourish extending to the right.

Jane C. Sherburne
Special Counsel to the President

cc: Hon. Cardiss Collins
Attachment

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

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BERNARD SANDERS, VERMONT
INDEPENDENT

MAJORITY—(209) 826-6074
MINORITY—(202) 225-6051

July 9, 1996

Jack Quinn, Esquire
White House Counsel
The White House
Washington, D.C. 20515

Dear Mr. Quinn:

On Tuesday, July 2, 1996, Committee counsels spent approximately four hours at FBI Headquarters reviewing documents received from the White House following the discovery of the improper receipt of hundreds of FBI background files of prior administration officials. At the end of the review, Maggie Owens, the FBI legislative liaison, was asked to produce copies of selected Secret Service lists and other lists in their possession. Ms. Owens initially voiced a concern that the Independent Counsel might object to production of these files to this Committee and that no production could be made from the FBI without their approval. After receiving written and oral authorization from the Independent Counsel to produce these materials to the Committee, we were assured that delivery would be made as soon as the copies could be run through the copy machine. Ms. Owens said that she would try to produce the documents to the Committee by close of business on Wednesday, July 3, 1996.

Late Wednesday evening, Ms. Owens left a voice mail message for Barbara Olson that Jane Sherburne had instructed her not to produce any of the

Mr. Quinn
Page 2
July 9, 1996

requested copies of these documents in the FBI's possession. We were informed that Jane Sherburne instructed the FBI that these documents must be produced only with the approval of the White House Counsel's Office since they were "White House documents subject to the third party agency rule." No explanation was given for why these documents were suddenly called back by the White House as soon as the Government Reform and Oversight Committee requested copies. Nor was it explained how the White House squares its sudden repossession with the public announcements that the White House would not become involved in the investigation of its own improper receipt of FBI background files.

In response to this unexpected message, the FBI informed my staff that the Department of Justice met with the FBI on Wednesday and instructed them to call the White House before producing these documents to the Committee. Department of Justice attorney, Paul Coburn did not initially recall giving Ms. Owens any advice concerning the delivery of these files last Wednesday but stated that he may have told her about the "third party agency rule."

Last night, after receiving a copy of all documents back from the FBI, Ms. Sherburne copied a portion of the requested documents and had them delivered. The White House's production of these documents does not include certain documents that my staff recalls requesting from the FBI. As a result, I am renewing my request to the FBI to copy all documents we identified last week and to produce them to this Committee today. Obviously, your approval to the FBI is necessary for this production. Accordingly, I am requesting that you call Ms. Owens at the FBI today in order to facilitate this production.

Finally, as you are aware, the Committee on Government Reform and Oversight is reviewing the activities of Anthony Marceca surrounding his White House detail as well as all other contacts he had with White House personnel. Based on information received, we understand that Mr. Marceca completed applications for a Schedule C or Presidential Appointment during the time of his detail to the White House in 1993 and again after his detail ended in 1994.

Mr. Quinn
Page 3
July 9, 1996

We believe that one of the positions Mr. Marceca applied for was Inspector General and/or a United States Marshal presidential appointment.

It is our understanding that Mr. Marceca was interviewed for a presidential appointment with the White House Office of Personnel and that White House personnel spoke to an Assistant Secretary of the Department of the Interior concerning the possibility of Mr. Marceca's appointment at that agency. We also have information that Mr. Marceca had access to the White House as early as March, 1993 and the White House continued to request he have White House pass clearance at least through February, 1995.

Please produce all records of any kind concerning any application or request by or on the behalf of Mr. Marceca for any position within the White House or other federal agency. This production should include, but is not limited to, all letters of recommendation, records of meetings or interviews. Please provide all related documentation created as a result of any of the above-mentioned activities whether or not the requested action was approved or merely discussed concerning any activities of Mr. Marceca. This production should include, but is not limited to, information concerning background investigations or reviews conducted involving Anthony Marceca from January, 1993 to the present date. Please provide telephone logs and calendars of any individuals including those in Presidential Personnel, that scheduled or discussed interviews with Mr. Marceca. Specifically, include all records of any interview scheduled on or about January 26, 1994, as well as all other relevant dates.

Additionally, if Mr. Marceca had any involvement whatsoever concerning any official or unofficial investigation of the procurement practices of the White House Travel Office or of any aspect of the procurement of the services of UltraAir at any time, please produce all records pertaining to such activity.

Mr. Quinn
Page 4
July 9, 1996

Due to the necessity of a timely response, please provide all responsive records in your possession no later than close of business on Thursday, July 11, 1996.

Sincerely,


William F. Clinger
Chairman

cc: The Honorable Cardiss Collins
The Honorable Louis Freeh

THE WHITE HOUSE

WASHINGTON

July 8, 1996

BY HAND DELIVERY

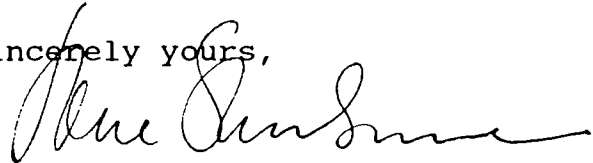
The Honorable William F. Clinger, Jr., Chairman
Committee on Government Reform and Oversight
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Dear Chairman Clinger:

We have been informed by the FBI that you are interested in receiving copies of certain White House records that your staff reviewed at the FBI. Enclosed are the records we understand you requested. (CGE 046577-047834.) We gather you also expressed interest in one of the Update Project files. We have asked the FBI to identify your request more specifically so that we can be sure we are providing you with the correct material. We hope to produce any additional material tomorrow.

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: Hon. Cardiss Collins

THE WHITE HOUSE
WASHINGTON

July 5, 1996

BY TELECOPY

William F. Clinger, Chairman
House Committee on Government Reform
and Oversight
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Dear Chairman Clinger:

I am writing with a request regarding the contacting of current White House employees in connection with your Committee's investigation of the Travel Office and FBI files matters.

Although most of the individuals involved in the Committee's investigation are already represented by counsel, some of the current employees in which the Committee apparently has an interest are not. For those unrepresented employees, being contacted directly by your Committee staff has caused some uncertainty as to their obligations and rights.

In order to avoid unnecessary confusion and delay in responding to your Committee, I suggest that, if the Committee seeks information from the White House or a deposition of a current unrepresented White House employee, you direct a written request to my attention, rather than calling White House officials directly. We believe this will prove to be the most efficient and appropriate way for your Committee to obtain the information it needs from the White House for its inquiry.

Please let me know if this presents any problems.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'Jane C. Sherburne', with a stylized, flowing script.

Jane C. Sherburne
Special Counsel to the President

cc: Hon. Cardiss Collins

THE WHITE HOUSE
WASHINGTON

July 5, 1996

BY TELECOPY

William F. Clinger, Chairman
House Committee on Government Reform
and Oversight
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Dear Chairman Clinger:

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Please let me know if this presents any problems.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Jane C. Sherburne", with a long, sweeping horizontal line extending to the right.

Jane C. Sherburne
Special Counsel to the President

cc: Hon. Cardiss Collins

Congress of the United States

Washington, DC 20515

June 28, 1996

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

Dear Chairman Clinger:

In the full Committee hearing on Wednesday, June 26, former White House Counsel Bernard Nussbaum asked that you correct the record regarding specific allegations you made about him on June 5, 1996.

According to an Associated Press story on that same day, you distributed to the press a form with Mr. Nussbaum's name preprinted on it and called it "a truly startling document from President Clinton's former White House counsel, Bernard Nussbaum." At your press conference, you told the country that Mr. Nussbaum had used the FBI to turn up information on former White House Travel Office employee Billy Dale. You also stated that he had lied to the FBI and could probably be prosecuted for committing a felony.

As a result of the Committee's investigation into the White House Travel Office, President Clinton has repeatedly apologized for mistakes his Administration has made. He has not, for instance, tried to defend the dismissal of Billy Dale by saying it's a matter of public record that Mr. Dale had transferred approximately \$54,000 in Travel Office funds into his personal bank account when employed at the Travel Office. Instead, the President recognized that Mr. Dale was wronged by the Administration's actions.

We are writing to ask that you follow the President's example and apologize to Mr. Nussbaum for the serious error you have made. As you know, Mr. Nussbaum testified under oath on Wednesday that--contrary to your allegations--he did not order copies of FBI files on Mr. Dale.

You responded to Mr. Nussbaum by saying that the "documents speak for themselves." Moreover, you dismissed Mr. Nussbaum's demand for an apology by suggesting that he was attempting to "demonize" you. We believe this is a wholly inadequate response.

You very publicly--and wrongly--accused Mr. Nussbaum of

possible criminal behavior. It is irrelevant whether this falsehood was innocent or intentional. What matters is that you now know you were wrong. The fair and decent course is for you to admit that you overreached and to apologize to Mr. Nussbaum. We request that you do so immediately.

Sincerely,

Cardie Collins
Betsy a. Wayman
Tom Barnett

T. H. H.

Mr. H.

Jim Moran

Bl. H.

Carrie P. Meek

Karen A. Thurman

Chad Fatt

Paul E. Kanyirski

Leise M. Slaughter

Mr. H.

Carolyn B. Maloney

Elyse E. Cummings

John Spratt

Tom Lantz

Barbara Lee Collins

B. L. Smith

Congress of the United States

Washington, DC 20515

June 28, 1996

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

Dear Chairman Clinger:

In the full Committee hearing on Wednesday, June 26, former White House Counsel Bernard Nussbaum asked that you correct the record regarding specific allegations you made about him on June 5, 1996.

According to an Associated Press story on that same day, you distributed to the press a form with Mr. Nussbaum's name preprinted on it and called it "a truly startling document from President Clinton's former White House counsel, Bernard Nussbaum." At your press conference, you told the country that Mr. Nussbaum had used the FBI to turn up information on former White House Travel Office employee Billy Dale. You also stated that he had lied to the FBI and could probably be prosecuted for committing a felony.

As a result of the Committee's investigation into the White House Travel Office, President Clinton has repeatedly apologized for mistakes his Administration has made. He has not, for instance, tried to defend the dismissal of Billy Dale by saying it's a matter of public record that Mr. Dale had transferred approximately \$54,000 in Travel Office funds into his personal bank account when employed at the Travel Office. Instead, the President recognized that Mr. Dale was wronged by the Administration's actions.

We are writing to ask that you follow the President's example and apologize to Mr. Nussbaum for the serious error you have made. As you know, Mr. Nussbaum testified under oath on Wednesday that--contrary to your allegations--he did not order copies of FBI files on Mr. Dale.

You responded to Mr. Nussbaum by saying that the "documents speak for themselves." Moreover, you dismissed Mr. Nussbaum's demand for an apology by suggesting that he was attempting to "demonize" you. We believe this is a wholly inadequate response.

You very publicly--and wrongly--accused Mr. Nussbaum of

possible criminal behavior. It is irrelevant whether this falsehood was innocent or intentional. What matters is that you now know you were wrong. The fair and decent course is for you to admit that you overreached and to apologize to Mr. Nussbaum. We request that you do so immediately.

Sincerely,

Cardie Collins
 Tony a Wayman
 Tom Barnett

Tim Hesse

Bob Allen

Jim Moran

Bob Wise

Carrie P. Meek

Karen A. Thurman

Chad Fatt

Paul E. Karginer

Leise M. Slaughter

Wesley Allen
 Burns

Carolyn B. Maloney

Elyse E. Cummings

John Spratt

Tom Lantz

Barbara Lee Collins

Bob Smith

50/PMV.

PIPER & MARBURY

L.L.P.

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June 26, 1996

FACSIMILEWilliam F. Clinger, Jr.
Chairman
Congress of the United States
House of Representatives
Committee on Government Reform and Oversight
2157 Rayburn House Office Building
Washington, D.C. 20515-6153Re: David Watkins

Dear Mr. Chairman:

I have been informed that a private litigant, Mr. Charles Caudle, has obtained a copy of a confidential F.B.I. 302 Report of Interview of my client David Watkins. I understand that Mr. Caudle obtained this document from your Committee. If this information is accurate, it is outrageous and provides yet another reason why it would be inappropriate for Congress to attempt to initiate criminal contempt proceedings against David Watkins.

F.B.I. 302s prepared in the course of F.B.I. investigations are confidential documents that historically have been treated as among the most sensitive government documents. In light of the recent revelations by your Committee, surely you appreciate the importance of the appropriate handling of confidential F.B.I. information and how serious it is if such information is improperly used or disclosed. If your Committee provided such confidential documents to a private litigant for his use in private civil litigation, then Mr. Watkins' rights have been seriously violated and an investigation is required.

As you know, the only remaining document issue we have with your Committee involves Mr. Watkins' privileged and confidential memorandum to his private attorney, Ty Cobb. We have repeatedly requested that the Committee defer to the Independent

PIPER & MARBURY
LLP

William F. Clinger, Jr.

June 26, 1996

Page 2

Counsel now that the Committee has caused a "criminal referral" of Mr. Watkins to the Independent Counsel and a grand jury investigation is proceeding. The revelation that the Committee has apparently misused and inappropriately disclosed confidential F.B.I. documents regarding Mr. Watkins makes such deference even more appropriate.

We have also repeatedly offered to meet with you and the Ranking Minority Member in an attempt to resolve this matter - offers to which you have never even responded. Serious and important rights are at stake. There is no doubt that the attorney-client privilege and work product doctrine apply in the context of Independent Counsel and grand jury investigations. Under such circumstances, we have no alternative but to assert such privileges on behalf of Mr. Watkins, particularly when we now learn that the failure to do so might very well result in the disclosure of his privileged documents to private citizens for use in private civil litigation that does not even involve Mr. Watkins.

The Committee has no legitimate need for attempting to compel further documents from Mr. Watkins. The Committee has already received the draft memorandum produced by the White House in January and has questioned Mr. Watkins and numerous other witnesses extensively with regard to the contents of the memorandum. Furthermore, the Committee recently received additional drafts of the memorandum as a result of a subpoena to Matthew Moore. Under such circumstances, it is very difficult to understand why the Committee would continue to cause the expenditure of taxpayer dollars in an attempt to force Mr. Watkins to waive his rights in connection with a memorandum to his private counsel.

We respectfully request that you confirm whether or not your Committee provided confidential F.B.I. 302s of Mr. Watkins to Mr. Caudle or anyone else. If so, we request that you provide complete details regarding such disclosures including an explanation of how the disclosures occurred, who authorized or caused them to occur and what action the Committee intends to take in response to such a serious violation of Mr. Watkins' rights. Mr. Watkins, and the American public, deserves a full accounting of this apparent misuse of confidential F.B.I. documents.

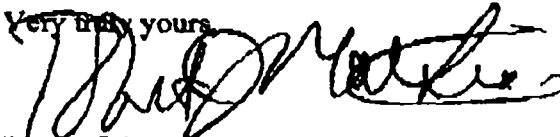
I am also requesting the Director of the F.B.I. to investigate this matter including how a confidential F.B.I. 302 of Mr. Watkins ended up being used by a private citizen in civil litigation in which Mr. Watkins is not even a party.

PIPER & MARBURY
LLP

William F. Clinger, Jr.
June 26, 1996
Page 3

Thank you very much for your immediate attention to this serious matter.

Very truly yours,



Robert J. Mathias

/rjm

cc: Honorable Cardiss Collins (via Telecopy)
Honorable Newt Gingrich (via Telecopy)
Honorable Richard Armey (Hand Delivery)
Director Louis J. Freeh (via Telecopy)
Independent Counsel Kenneth Starr (via Telecopy)

SKADDEN, ARPS, SLATE, MEAGHER & FLOM

1440 NEW YORK AVENUE, N.W.

WASHINGTON, D.C. 20005-2111

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June 25, 1996

VIA FACSIMILE

Hon. William F. Clinger, Jr.
Chairman
House Committee on Government Reform
and Oversight
2157 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Clinger:

I write in response to your letter to me, asserting that the Committee released confidential FBI investigatory memoranda to the general public -- not just to individuals suing my client. Even if true, I fail to see how the public release of sensitive FBI materials is justified in any case. I also should tell you that we have been advised to the contrary by Committee staff. I did check my facts both before I wrote you and after you wrote me, and I stand by my letter.

Perhaps your Committee should check its practices. When FBI agents interview witnesses in criminal investigations, they do not tell the witnesses that they are conducting a confidential criminal investigation "unless Congressman Clinger decides to demand the interview memoranda from the Department of Justice and may choose to release them publicly." Perhaps, the FBI should make the "Clinger exception" known to witnesses in all criminal cases in the future. I am sure, as a former federal prosecutor, that witnesses will be most reluctant to cooperate with the FBI if they are so advised.

If you did make these FBI documents public, you should not have done so, especially when as here there was an open and on-going investigation. Lawyers for the witnesses were unaware of your decision to release this sensitive FBI information, much of it unverified. Upon

Hon. William Clinger
June 25, 1996
Page 2

being advised of your response to me, David Williams, the attorney for Patsy Thomasson, was surprised to learn that his client's confidential interview was made public, since his own request for his client's statement was refused. Indeed, I understand that many witnesses who have been deposed by the Committee have been refused the opportunity to review their own FBI "302's," although you apparently found it appropriate to release some of them publicly.

The inconsistent information your Committee has supplied, and the inconsistent position you are taking on the sanctity of FBI files, only underscores the need for someone to investigate this matter. If your explanation is true, the Committee's cavalier attitude toward sensitive FBI materials should be the subject of an oversight hearing in and of itself.

Finally, I will not dignify your introductory cheap shot remark, other than to say it is confirmation of your extreme partisanship in all matters which may impact on the President.

Sincerely,



Robert S. Bennett

cc: Hon. Cardiss Collins

June 25, 1996

FRANKFURT
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VIA FACSIMILE

Hon. William F. Clinger, Jr.
Chairman
House Committee on Government Reform
and Oversight
2157 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Clinger:

As you know, this office represents Mr. Harry Thomason in civil lawsuits filed by Mr. Billy Dale and Mr. Charles Caudle in the United States District Court for the District of Columbia, regarding White House Travel Office matters.

In the course of routine civil discovery, we learned that Mr. Caudle had in his possession confidential FBI interview reports of Ms. Patsy Thomasson and Mr. David Watkins. As is often the case with FBI investigatory files, these interview memoranda contain much raw, unverified and sensitive information that normally would not be made available to private civil litigants such as Messrs. Caudle, Dale and the others who have sued my client. As a former federal prosecutor, I can think of no legitimate basis for Mr. Caudle to possess such sensitive and private FBI documents. This raises serious questions about how Mr. Caudle obtained them.

We, of course, do not know the answer to that question, and there may be an innocent explanation. But it also appears likely that Mr. Caudle may have been given these and other confidential materials improperly, perhaps by your staff, or by Mr. Dale. When Mr. Caudle produced them to us, they were included among documents that we know were produced to your Committee in strictest confidence, and they also bore markings suggesting that

Hon. William F. Clinger, Jr.
June 25, 1996
Page 2

they were from the Committee. An analysis of the complaints filed against Mr. Thomason also makes it all but certain that the plaintiffs have had the benefit of such sensitive information. We also know that you have been supportive of Mr. Dale's efforts to obtain discovery in his criminal case, and that Mr. Dale had a close relationship with Mr. Caudle, who was a favored beneficiary of Mr. Dale's non-competitive practices in the Travel Office.

All this raises an issue of whether the Committee or someone on its staff is also assisting Mr. Dale and/or Mr. Caudle, or their attorneys, in the pursuit of civil claims against Harry Thomason -- by disclosing sensitive, confidential FBI material. The public deserves an answer to this question, because if it is true, I would suggest that this is an improper use of the legislative oversight authority and a serious abuse of sensitive FBI data that is wholly inconsistent with legitimate law enforcement.

Accordingly, I respectfully request that in the course of your current investigation regarding the possession of FBI files by White House personnel, the Committee also thoroughly investigate the circumstances under which Mr. Caudle received these sensitive FBI interview reports. Specifically, we request that you investigate the following:

1. What FBI and other law enforcement information was provided to Mr. Caudle and Mr. Dale, and other litigants or those acting on their behalf?
2. Who provided the information and who received it?
3. What use was made of this sensitive law enforcement or Committee information?

You have repeatedly said that yours is a non-partisan investigation. If that is the case, there

Hon. William F. Clinger, Jr.
June 25, 1996
Page 3

should be no objection to your investigating these matters as part of your current investigation.

Sincerely,

A handwritten signature in dark ink, appearing to read "R. S. Bennett", with a stylized flourish at the end.

Robert S. Bennett

cc: Hon. Cardiss Collins

SKADDEN, ARPS, SLATE, MEAGHER & FLOM
1440 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005

Telephone No.: (202) 371-7000
Facsimile No.: (202) 393-5760

FACSIMILE TRANSMITTAL SHEET

Please deliver the following pages to:

Name: Jane Sherburne

Firm: The White House Date: June 25, 1996

City: Washington, DC

Phone: 202-456-5116

Fax: 202-456-1213

From: Bob Bennett Flr/Rm.: 11/39

Reference Number: 549350 Ext.: 7180

Total number of pages including this cover: 4

This facsimile is intended only for use of the addressee named above and may contain legally privileged and/or confidential information. If you are not the intended recipient of this facsimile, you are hereby notified that any dissemination, distribution or copying of this facsimile is strictly prohibited. If you have received this facsimile in error, please immediately notify us by telephone and return the original facsimile to us at the address above via the local postal service. We will reimburse any costs you incur in notifying us and returning the facsimile to us.

MESSAGE:

THE WHITE HOUSE

WASHINGTON

June 25, 1996

The Honorable William Clinger
Chairman
Committee on Government Reform
and Oversight
2157 Rayburn House Office Building
Washington, DC 20515

Dear Mr. Chairman:

The President appreciates your recent letter to Congresswoman Collins and your willingness to work with us to avoid an unnecessary constitutional confrontation between the legislative and executive branches. Our discussions over the last months have been critical to our finding the middle course that would accommodate both the Congress's legitimate need for information essential to its legislative purposes and the President's constitutionally protected interest in the confidentiality of communications with him or among his advisors.

You have emphasized that you need the documents in question in order to confirm that public officials or others associated with the Administration have not engaged in wrongdoing. More recently, you and others have said that the documents should be turned over so that you can know if they shed light on the FBI files matter that recently came to light -- which in fact they do not.

The President shares these concerns. As you know, the documents in question were already reviewed by the Attorney General and a number of her senior assistants. It is now particularly important that we assure the American people that we are doing all we can to get to the bottom of the FBI files matter and to take all appropriate corrective and disciplinary action.

We are therefore prepared to proceed on the basis of the proposal you laid out to Mrs. Collins and to do so in a way that accommodates both the legislative and the executive interests that are at issue.

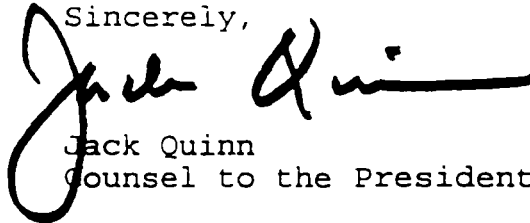
Specifically, we are prepared to provide access to all of the documents in which your letter expressed a continuing interest. We will make all of these documents available for inspection and review -- by Members of the Committee and by the

Committee's staff. We will begin this process this week and make the documents available at a specific time and place of your convenience and that of Mrs. Collins.

We will protect the President's interest in confidentiality by providing access only to Committee members and staff. However, we will make available to the Committee and to the public copies of any document that relates to the FBI files matter. Further, if you have good reason to believe that any document reveals wrongdoing, related to the travel office or otherwise, I am prepared to discuss it with you and Mrs. Collins, with a view toward our determining whether making the document publicly available is warranted.

Mr. Chairman, I believe this responds fully and in good faith to the concerns you have stated publicly and in our private conversations.

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

WILLIAM F. CLINGER, JR., PENNSYLVANIA
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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

June 21, 1996

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TIM HOLDEN, PENNSYLVANIA

BERNARD SANDERS, VERMONT
INDEPENDENT

MAJORITY--(202) 225-5074
MINORITY--(202) 225-5051

Bruce R. Lindsey
Assistant to the President
And Deputy Counsel
The White House
Washington, D.C.

Dear Mr. Lindsey:

I am in receipt of your June 14 letter regarding your White House Travel Office deposition. After extensive consultation with the Parliamentarian of the House of Representatives, I have determined that it would be inconsistent with the Rules of the House to permit a witness to tape-record a deposition. Written notes are permitted as long as they are not verbatim. The only transcript of a deposition is the one produced by this Committee, which you will be permitted to edit before it is finalized. After the deposition is entered into the Committee record, you will be permitted to retain a copy of the transcript.

Regarding the use of government attorneys as private counsel, it is the view of Committee that it would be inappropriate for White House or Justice Department lawyers to be used to represent witnesses in the Travel Office investigation. Besides the fact that these attorneys are paid to represent the U.S. Government not private individuals, both the Justice Department and White House Counsel's Office are a focus of this investigation.

I urge you to contact Barbara Olson, at 225-5074, to reschedule your deposition as quickly as possible.

Sincerely,

William F. Clinger, Jr.
William F. Clinger, Jr.
Chairman

cc: Hon. Cardiss Collins

WILLIAM F. CLINGER, JR., PENNSYLVANIA
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
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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) 225-5251

June 21, 1996

John M. Quinn, Esquire
White House Counsel
The White House
Washington, D.C. 20500

Dear Mr. Quinn:

In light of recent revelations concerning the White House's obtaining of FBI files of 407 former Reagan and Bush Administration officials and the roles of various individuals at the White House in this affair, I would appreciate the following information.

First, please provide all information on who hired Mr. Livingstone, who vetted his file and reviewed his background and who made any recommendations on Mr. Livingstone's behalf. Was Presidential Personnel Chief Bruce Lindsey involved in Mr. Livingstone's hiring? Was Chief of Staff Mack McLarty involved in Mr. Livingstone's hiring? Was White House Counsel Bernard Nussbaum involved in Mr. Livingstone's hiring? Was Senior Advisor George Stephanopoulos involved in Mr. Livingstone's hiring? Please identify all individuals who played any role in Mr. Livingstone's hiring.

In addition, I request the following information:

1. The date of when Mr. Livingstone obtained his security clearance, the level of clearance and the name of the individual(s) who vetted Mr. Livingstone.
2. The date of when Mr. Anthony Marceca obtained his security clearance, the level of clearance and the name of the individual(s) who vetted Mr. Marceca.
3. The salaries of all employees of the Office of Personnel Security from January 20, 1993 to the present including the salaries of all detailees to that office. For those individuals who were serving as interns in the office prior

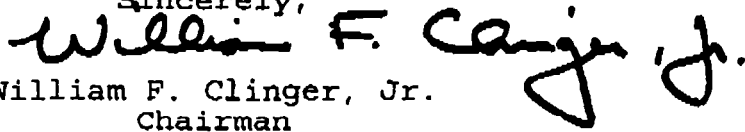
to being put on salary, please indicate the date on which the individual started as an intern as well as the date of employment.

4. The names of all individuals who have worked in the Office of Personnel Security as interns, employees, or detailees since January 20, 1993 to the present and when each individual received his or her security clearance.
5. The names of all interns who worked in the Office of Personnel Security from January 20, 1993 to the present.
6. All memos to and/or from Craig Livingstone, Anthony Marceca, William Kennedy, Bernard Nussbaum, Vincent Foster, Joel Klein, Lloyd Cutler, Abner Mikva, John M. Quinn, Jane Sherburne, Beth Nolan, Cliff Mauton, Christopher Cerf, Tray Schraeder, Ed Hughes, Jonathan Denbow, Mari Anderson or Ms. Lisa Wetzel regarding anything having to do with the updating of White House passes, security clearances, FBI background files or any operations of the Office of Personnel Security. Note: This would include all memos such as the "Personal Data Statement & Questionnaire" which was apparently sent to all holdover White House staff. (Please exclude confidential privacy act information and responses to the Personal Data Statement & Questionnaire.)
7. Records of Craig Livingstone's entrances and exits to the White House complex from May 1, 1996 to June 20, 1996.
8. Any Usher's Records or Secret Service records of every occasion on which Craig Livingstone has been in the White House residence from January 1, 1996 to the present.
9. All records of visitor logs of visitors to the White House who were waved in to see Mr. Marceca for the entire time he was at the White House from August 1993 through March 1994 and any visits he has made to the White House from January 1, 1996 to the present.
10. All records of visitor logs of visitors to the White House who were waved in to see Craig Livingstone from January 20, 1993 to present.
11. All records of phone logs or messages for Craig Livingstone from April 1, 1993 - March 1, 1994 and from May 1, 1996 - June 18, 1996.
12. The salary history of William Kennedy from January 20, 1993 to the time he left the White House.

13. Records reflecting any reprimands regarding issues related to White House passes or security clearances or the obtaining of FBI background files of William Kennedy, Craig Livingstone, Anthony Marceca, or any staff (paid or unpaid) of the Office of Personnel Security or White House Counsel's Office.

Please provide all available records by close of business (6p.m.) Monday, June 24, 1996.

Sincerely,


William F. Clinger, Jr.
Chairman

THE WHITE HOUSE

WASHINGTON

June 20, 1996

BY HAND

The Honorable William Clinger
Chairman
Committee on Government Reform
and Oversight
2157 Rayburn House Office Building
Washington, DC 20515-6143

Dear Chairman Clinger:

I believe it will be helpful if I identify for you the measures taken by the White House in the wake of the mistaken and inappropriate request for FBI background investigation information in late 1993 and early 1994.

As indicated above, the White House has requested and received background investigation reports from the FBI for many years. The information is sought and used to assist the White House in making determinations about the suitability of individuals for access to the White House for employment or other official purposes.

Plainly, the requests for background investigation information that are the subject of your hearing were wrong. Based on representations made to us to date, it appears that the requests were the product of innocent errors. Obviously, if we learn otherwise with respect to White House staff, we will act swiftly and decisively.

After learning of this situation last week, President Clinton informed me in the clearest terms that he wanted (1) the American people to know the truth about what happened in this matter, (2) disciplinary action to be taken, as appropriate, and (3) policies and procedures to be initiated that would guarantee to the American people that this mistake could not happen again.

I will address each of these points in turn.

First, we have made clear that the White House not only welcomes but also encourages a complete and vigorous investigation into the matter by the appropriate law enforcement office. As you know, the Attorney General has directed the FBI

to conduct a prompt and thorough investigation. I have said publicly and I say here again that the White House welcomes that investigation, and we will work cooperatively with the FBI to facilitate the prompt completion of its investigation.

Second, the President's directive that any appropriate disciplinary action be taken will be implemented based upon the facts developed in the upcoming review by the FBI. Earlier this week, Craig Livingstone, who headed the personnel security office, asked to be placed on paid administrative leave, and we agreed that that was appropriate. Mr. Livingstone will not return to the White House unless and until this matter is clarified to the satisfaction of the Chief of Staff. If he does return to a position in the Administration, it will be to one that is appropriate and not to the White House Office of Personnel Security, which, as described below, has been absorbed into the Executive Office of the President (EOP) Security Office.

Third, at the direction of the President, I have instituted new policies and procedures to prevent any recurrence of the events in question. We are confident that these reforms will help restore public confidence in the integrity of the personnel security system. These new procedures, which are as rigorous as they are unprecedented, include requirements that:

- control of the White House background investigation process be placed in the hands of a personnel specialist who is a career, non-political employee;
- current, express, written consent of an individual be obtained before the White House seeks his or her background investigation information from the FBI;
- the Counsel to the President or a specifically designated Counsel's Office attorney approve each White House request to the FBI for background information;
- the security or vetting officer who initiates the request certify that the request is made for official purposes only; and
- access to background investigation information is authorized only to those White House employees designated in writing by the Chief of Staff and the Counsel to the President.

No prior Administration had in place policies and procedures designed so effectively to prevent the type of mistake that occurred in this matter. The Report of the FBI General Counsel,

dated June 14, 1996, found that the procedure by which the FBI provided background investigation information to the White House "has changed remarkably little over the intervening three decades" since the Johnson Administration. I am confident that our reforms will more effectively safeguard the privacy of the individuals whose background files are sought and obtained by the White House.

Below, I elaborate on some of the key changes in our policies and procedures:

On June 14, 1996, I initiated a series of reforms focusing on the process by which the White House requests background investigation information from the FBI. We will now require that White House requests to the FBI for background information be made only with the express written consent of the individual who is the subject of the investigation. The individual's consent must be signed within thirty days of, and must accompany, the White House request to the FBI. No information may be obtained without the individual's consent except in extraordinary circumstances set forth in a letter of justification to the FBI from the Counsel to the President concurred in by the Attorney General or the Deputy Attorney General.

Each request to the FBI must also be approved and signed by the Counsel to the President or a specifically designated Counsel's Office attorney whose regular duties require the review of such information. In addition, each request must be signed by the security or vetting officer who initiates the request, and that person must certify that the request is made for official purposes only. These new reforms also require identification of the specific reason why the information is being requested.

Yesterday, I also recommended a restructuring of the personnel security functions at the White House to further accomplish the President's objective of ensuring that the mistake will not happen again. I suggested -- and Chief of Staff Leon Panetta and the President agreed -- that the administrative personnel security functions currently performed by the White House Office of Personnel Security be incorporated into the EOP Security Office. This change will be implemented immediately.

The EOP Security Office currently conducts personnel security functions for all EOP offices except for the White House Office, the Office of the Vice President, the Office of Policy Development, the National Security Council, and the Executive Residence. The restructuring announced today will bring the administrative personnel security functions for those offices within the purview of the EOP Security Office so that the EOP

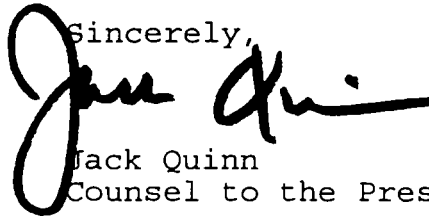
Security Office will have unified authority over all EOP personnel security functions.

The EOP Security Office is currently supervised by Charles "Chuck" Easley, a career employee who has served for ten years as the EOP Security Officer since joining the office in the Reagan Administration. Before coming to his current job, Mr. Easley had a twenty-year career in the U. S. Army, including eight years as the Technical Security Advisor to the Security Officer of the Joint Chiefs of Staff. Mr. Easley heads a career staff at the EOP Security Office and reports to the Associate Director for Human Resources Management of the Office of Administration, a career personnel specialist.

The EOP Security Office will perform its work on White House personnel in accordance with the procedures announced last Friday and described above. In addition, access to the background investigation information will be limited to those EOP and White House employees so authorized in writing by the Chief of Staff and the Counsel to the President whose assigned duties require the review or processing of such information.

I believe that the reforms we have now instituted will restore the public's confidence in the integrity of the process by which the White House decides who appropriately may have access to the White House complex.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack Quinn", written over the typed name.

Jack Quinn
Counsel to the President

identical letter sent to Congresswoman Collins

Michael H. Cardozo

**1215 19th Street, N.W.
Washington, D.C. 20036
Tel: 202-429-1780***Fax: 202-429-0025**

June 18, 1996

**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. 20515-6143**

Dear Mr. Chairman:

This will confirm and amplify my conversation of late yesterday afternoon with Kevin Sabo, General Counsel to the Committee, respecting the invitation to me to testify on behalf of the Carter Administration at 10:00 a.m. tomorrow, Wednesday, June 19, 1996, respecting the historical use of Federal Bureau of Investigation background records during the Carter Administration to provide security clearances to White House Staff as well as lines of authority for safeguarding these files.

As I advised Mr. Sabo, the events and procedures identified by the Committee occurred some 15 to 19 years ago. Accordingly, before I could responsibly appear as a witness as to these matters, I would need time to review contemporaneous records and speak with other persons in order to refresh my recollection.

Mr. Sabo advised me that the Committee's schedule does not permit additional time and that the hearing will go forward at the scheduled day and hour. Mr. Sabo emphasized that your June 17, 1996, letter constitutes an invitation, which I may decline, provided that I should understand that the extension of the invitation and my decline will be noted for the record.

Since additional time is necessary for me to refresh my recollection of the matters about which the Committee wishes me to testify, I must respectfully decline the invitation. Should the Committee wish to hear from me at a later date which would afford me time to review events and procedures during the Carter Administration, I stand ready to respond to an invitation on that schedule.

The Honorable William F. Clinger, Jr.
June 18, 1996
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Please feel free to make this letter a part of the record of the Committee's hearing.

Respectfully yours,

Michael H. Cardozo

Michael H. Cardozo

cc: Hon. Cardiss Collins
Ranking Minority Member

Kevin Sabo, Esq.
Donald Goldberg, Esq.

THE WHITE HOUSE
WASHINGTON

June 18, 1996

BY HAND DELIVERY

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:

In response to your letter of June 12, 1996, we are providing copies of Employee Rosters for the Executive Office of the President for each two-week pay period in calendar year 1993 and the first two months of calendar year 1994 (CGE 43825-46135). These materials were retrieved by the Human Resources Management Division of the Office of Administration.

The lists reflect the identification of EOP employees during the designated period. They do not include the names of detailees, volunteers, or interns who would appear on access lists and for whom some form of FBI background information routinely would be requested. In addition, the lists do not identify other persons working in the Executive Office of the President, who are not on the EOP payroll such as employees of GSA, AT&T, and Executive Residence employees.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Jane C. Sherburne", with a long horizontal flourish extending to the right.

Jane C. Sherburne
Special Counsel to the President

cc: Hon. Cardiss Collins

THE WHITE HOUSE
WASHINGTON

June 17, 1996

BY FACSIMILE

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 Mr. Chairman:

I am writing in regard to your requests for depositions of certain current and former members of the White House Counsel's Office.

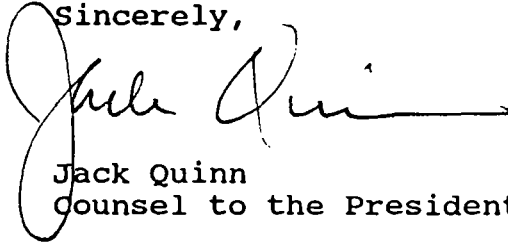
As you are aware, neither Jane Sherburne, Jonathan Varowsky, Natalie Williams or Miriam Nemetz were at the White House at the time of the Travel Office firings. Nor were these individuals the persons who undertook or responded to the subsequent investigations of the Travel Office matter that took place in 1993 and 1994. Rather, their work with respect to the Travel Office matter has been solely in regard to the investigations by your Committee and the Independent Counsel.

As you know, Mr. Chairman, whenever counsel is subjected to questioning, difficult issues of privilege are implicated. This is especially true here, where most -- if not all -- of the testimony would relate to areas over which the President has already asserted executive privilege. These lawyers have an obligation to respect that invocation of privilege. It is unnecessary to depose them simply to have them make this point. On the other hand, we are willing to cooperate with the Committee with respect to discrete areas over which these lawyers have personal knowledge and where there are not privilege concerns.

Hon. William F. Clinger, Jr., Chairman
June 14, 1996
Page 2

I would like to speak to you and Mrs. Collins about the intended scope of your staff's planned questioning so that we may evaluate how best to proceed. I look forward to hearing from you at your earliest convenience.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jack Quinn". The signature is written in dark ink and is positioned above the printed name and title.

Jack Quinn
Counsel to the President

cc: Honorable Cardiss Collins