

FOIA MARKER

This is not a textual record. This is used as an administrative marker by the Clinton Presidential Library Staff.

Folder Title:

FBI Files Matter - Correspondence with Senate Judiciary Committee [3]

Staff Office-Individual:

Counsel's Office-Nemetz, Miriam

Original OA/ID Number:

CF 446

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

PERSONAL DATA STATEMENT QUESTIONNAIRE FOR NON-CAREER SES
APPOINTEES

As part of the clearance procedures for your prospective position, please answer all of the following questions (please do not respond "not applicable" or "N/A" if your response is "no" or "none"). In responding to the questions, please supply any information regarding your spouse or relatives that you deem to be relevant. Your responses to this questionnaire, which is not subject to public disclosure, are confidential.

You can type your responses in memorandum form on a separate sheet of paper with each answer corresponding to the number of the question. You do not need to retype the questions, but please sign and date the response.

If you have any questions or need assistance in responding to this questionnaire, please do not hesitate to contact this office. Thank you for your cooperation.

Personal and Family Background

1. Please list your full name; home address and telephone number; office address and telephone number; date and place of birth; citizenship; and social security number.

2. Please identify your current marital status; spouse's name, citizenship, occupation, and current employer; and the names and ages of your children.

3. Do you have any medical conditions that could interfere with your ability to fulfill your duties? Please explain.

Professional and Educational Background

4. Please list each high school, college, and graduate school you attended; the dates of your attendance; and degrees awarded.

5. Please furnish a copy of your resume and a brief biographical statement.

6. Please chronologically list activities, other than those listed on your resume, from which you have derived earned income (e.g., self-employment, consulting activities, writing, speaking, royalties, and honoraria) since age 21.

7. Please list each book, article, or publication you have authored, individually or with others.

8. Identify each instance in which you have testified before Congress in a non-governmental capacity and specify the subject matter of each testimony.

9. Please list all corporations, partnerships, trusts, or other business entities with which you have ever been affiliated as an officer, director, trustee, partner, or holder of a significant equity or financial interest (i.e., any ownership interest of more than 5%), or whose decisions you had the ability to influence.

10. Please provide the names of all corporations, firms, partnerships, trusts, or other business enterprises, and all non-profit organizations and other institutions with which you are now, or during the past five years have been, affiliated as an advisor, attorney or consultant. It is only necessary to provide the names of major clients and any client matter in which you and your firm are involved that might present a potential conflict of interest with your proposed assignment. Please identify the clients by name unless it would breach a confidential relationship or duty respecting a privileged matter. In addition, please provide the names of any other organizations with which you were associated which might present a potential conflict or the appearance of conflict of interest with your prospective appointment.

11. Please describe any contractual or informal arrangement you may have made with any person or any business enterprise in regard to future employment or termination payments or financial benefits that will be provided you if you enter government employment.

12. If you are a member of any licensed profession or occupation (such as lawyer, doctor, accountant, insurance or real estate broker, etc.), please specify: the present status of each license; and whether any such license has ever been withdrawn, suspended, or revoked, and the reason therefor.

13. Does your spouse or any family member or business in which you, your spouse or any family members have a significant interest have any relationship with the federal government through contracts, consulting services, grants, loans or guarantees? If yes, please provide details.

14. If you have performed any work for and/or received any payments from any foreign government, business, or individual in the past 10 years, please describe the circumstances, and identify the source and amount.

15. Please list any registration as an agent for a foreign principal, or any exemption from such registration.

16. Have you ever registered as a lobbyist or other legislative agent to influence federal or state legislation or administrative acts? If yes, please supply details.

Tax and Financial Information

17. As of the date of this questionnaire, please list all assets and liabilities with a fair market value in excess of \$5,000 for you and your spouse and provide a good faith estimate of value. As to liabilities, please list the name and address of the creditor, the amount owed to the nearest thousand dollar, a brief description of the nature of the obligation, the interest rate (if any), and the date on which due.

18. Please describe all real estate held in your name or in your spouse's name during the last six years, including any real estate held in combination with others or on your or your spouse's behalf in trust, by a nominee, or through any other title-holding entity.

19. Have you and your spouse filed all federal, state and local income tax returns?

20. Have you or your spouse ever filed a late income tax return without a valid extension? If so, describe the circumstances and the resolution of the matter.

21. Have you or your spouse ever paid any tax penalties? If so, describe the circumstances and the resolution of the matter.

22. Has a tax lien or other collection procedure ever been instituted against you or your spouse by federal, state or local authorities? If so, describe the circumstances and the resolution of the matter.

Public and Organizational Activities

23. Please list current and past political party affiliations.

24. Please list each membership you have had with any civic, social, charitable, educational, professional, fraternal, benevolent or religious organization, private club, or other membership organization (including any tax-exempt organization) during the past 10 years.

25. Have you or your spouse at any time belonged to any membership organization, including but not limited to those described in the preceding paragraph, that as a matter of policy or practice denied or restricted affiliation (as a matter of either policy or practice) based on race, sex, ethnic background, religious or sexual preference?

Legal and Administrative Proceedings and Filings

26. Please list any lawsuits you have brought as a plaintiff or which were brought against you as a defendant or third party. Include in this response any contested divorce proceedings or other domestic relations matters.

27. Please list and describe any administrative agency proceeding in which you have been involved as a party.

28. Please list any bankruptcy proceeding in which you or your spouse have been involved as a debtor.

29. Have you or your spouse ever been investigated by any federal, state, military or local law enforcement agency, or arrested for, charged with, or convicted of violating any federal, state or local law, regulation or ordinance (excluding traffic offenses for which the fine was less than \$100)? If so, please identify each such instance and supply details, including: date; place; law enforcement agency; and court.

30. Please list any complaint ever made against you or by any administrative agency, professional association or organization, or federal, state or local ethics agency, committee, or official.

Miscellaneous

31. Have you ever had any association with any person, group or business venture that could be used, even unfairly, to impugn or attack your character and qualifications for a government position?

32. Do you know anyone or any organization that might take any steps, overtly or covertly, fairly or unfairly, to criticize your appointment, including any news organization? If so, please identify and explain the basis for the potential criticism.

33. Please provide any other information, including information about other members of your family, that could suggest a conflict of interest or be a possible source of embarrassment to you, your family or the President.

34. Do you now, or have you in the past employed any individuals in your household on a part-time or full time basis? If so, is the worker(s) in compliance with all applicable immigration laws? Have you paid all applicable employment taxes?

PERSONAL DATA STATEMENT QUESTIONNAIRE FOR NON-CAREER SES APPOINTEES

As part of the clearance procedures for your prospective position, please answer all of the following questions (please do not respond "not applicable" or "N/A" if your response is "no" or "none"). In responding to the questions, please supply any information regarding your spouse or relatives that you deem to be relevant. Your responses to this questionnaire, which is not subject to public disclosure, are confidential.

You can type your responses in memorandum form on a separate sheet of paper with each answer corresponding to the number of the question. You do not need to retype the questions, but please sign and date the response.

If you have any questions or need assistance in responding to this questionnaire, please do not hesitate to contact this office. Thank you for your cooperation.

Personal and Family Background

1. Please list your full name; home address and telephone number; office address and telephone number; date and place of birth; citizenship; and social security number.

2. Please identify your current marital status; spouse's name, citizenship, occupation, and current employer; and the names and ages of your children.

3. Do you have any medical conditions that could interfere with your ability to fulfill your duties? Please explain.

Professional and Educational Background

4. Please list each high school, college, and graduate school you attended; the dates of your attendance; and degrees awarded.
5. Please furnish a copy of your resume and a brief biographical statement.
6. Please chronologically list activities, other than those listed on your resume, from which you have derived earned income (e.g., self-employment, consulting activities, writing, speaking, royalties, and honoraria) since age 21.
7. Please list each book, article, or publication you have authored, individually or with others.
8. Identify each instance in which you have testified before Congress in a non-governmental capacity and specify the subject matter of each testimony.
9. Please list all corporations, partnerships, trusts, or other business entities with which you have ever been affiliated as an officer, director, trustee, partner, or holder of a significant equity or financial interest (i.e., any ownership interest of more than 5%), or whose decisions you had the ability to influence. Please identify the entity, your relationship to the entity, and dates of service and/or affiliation.

10. Please provide the names of all corporations, firms, partnerships, trusts, or other business enterprises, and all non-profit organizations and other institutions with which you are now, or during the past five years have been, affiliated as an advisor, attorney or consultant. It is only necessary to provide the names of major clients and any client matter in which you and your firm are involved that might present a potential conflict of interest with your proposed assignment. Please include dates of service.

11. With regard to each of the entities identified in the preceding question, please identify your relationship or duty with regard to each. Please include dates of service.

12. Other than the entities identified in question number 10 above, please provide the names of organizations with which you were associated which might present a potential conflict of interest with your proposed assignment. For each entity you identified in your response to this question, please provide your relationship or duty with regard to each. Please include dates of service.

13. Please describe any contractual or informal arrangement you may have made with any person or any business enterprise in regard to future employment or termination payments or financial benefits that will be provided you if you enter government employment.

14. If you are a member of any licensed profession or occupation (such as lawyer, doctor, accountant, insurance or real estate broker, etc.), please specify: the present status of each license; and whether any such license has ever been withdrawn, suspended, or revoked, and the reason therefor.

15. Do you have a significant interest in any relationship with the government through contracts, consulting services, grants, loans or guarantees? If yes, please provide details.

16. Does your spouse or any family member or business in which you, your spouse or any family members have a significant interest have any relationship with the federal government through contracts, consulting services, grants, loans or guarantees? If yes, please provide details.

17. If you have performed any work for and/or received any payments from any foreign government, business, or individual in the past 10 years, please describe the circumstances, and identify the source and dates of services and/or payments.

18. Please list any registration as an agent for a foreign principal, or any exemption from such registration. Please provide the status of any and all such registrations and/or exemptions (i.e., whether active and whether personally registered).

19. Have you ever registered as a lobbyist or other legislative agent to influence federal or state legislation or administrative acts? If yes, please supply details including the status of each registration.

Tax and Financial Information

20. As of the date of this questionnaire, please list all assets with a fair market value in excess of \$1,000 for you and your spouse and provide a good faith estimate of value.

21. As of the date of this questionnaire, please list all liabilities in excess of \$10,000 for you and your spouse. Please list the name and address of the creditor, the amount owed to the nearest thousand dollar, a brief description of the nature of the obligation, the interest rate (if any), the date on which due, and the present status (i.e., is the obligation current or past due).
22. Please describe all real estate held in your name or in your spouse's name during the last six years. Please include real estate held in combination with others, held in trust, held by a nominee, or held by or through any other title-holding entity. Please also include dates held.
23. Have you and your spouse filed all federal, state and local income tax returns?
24. Have you or your spouse ever filed a late income tax return without a valid extension? If so, describe the circumstances and the resolution of the matter.
25. Have you or your spouse ever paid any tax penalties? If so, describe the circumstances and the resolution of the matter.
26. Has a tax lien or other collection procedure ever been instituted against you or your spouse by federal, state or local authorities? If so, describe the circumstances and the resolution of the matter.

Domestic Help Issue

27. Do you presently have or have you in the past had domestic help? (i.e., a housekeeper, babysitter, nanny, or gardener) If yes, please indicate years of service for each individual and also give a brief description of the services rendered.

Public and Organizational Activities

28. Please list current and past political party affiliations.

29. Have you ever run for public office? If yes, does your campaign have any outstanding campaign debt? If so, are you personally liable? Please also provide complete information as to amount of debt and creditors.

30. Please list each membership you have had with any civic, social, charitable, educational, professional, fraternal, benevolent or religious organization, private club, or other membership organization (including any tax-exempt organization) during the past 10 years. Please include dates of membership and any positions you may have had with the organization.

31. Have you or your spouse at any time belonged to any membership organization, including but not limited to those described in the preceding paragraph, that as a matter of policy or practice denied or restricted affiliation (as a matter of either policy or practice) based on race, sex, ethnic background, religious or sexual preference?

Legal and Administrative Proceedings and Filings

32. Please list any lawsuits you have brought as a plaintiff or which were brought against you as a defendant or third party. Include in this response any contested divorce proceedings or other domestic relations matters.
33. Please list and describe any administrative agency proceeding in which you have been involved as a party.
34. Please list any bankruptcy proceeding in which you or your spouse have been involved as a debtor.
35. Have you or your spouse ever been investigated by any federal, state, military or local law enforcement agency. If so, please identify each such instance and supply details, including: date; place; law enforcement agency; and court.
36. Have you or your spouse ever been arrested for, charged with, or convicted of violating any federal, state or local law, regulation or ordinance (excluding traffic offenses for which the fine was less than \$100)? If so, please identify each such instance and supply details, including: date; place; law enforcement agency; and court.
37. Have you or your spouse ever been accused of or found guilty of any violations of government or agency procedure (specifically including security violations and/or any application, or appeal process)?

38. Please list any complaint ever made against you or by any administrative agency, professional association or organization, or federal, state or local ethics agency, committee, or official.

39. Please list any and all judgments rendered against you including the date, amount, the name of each case and subject matter of the case, and the date of satisfaction. Please include obligations of child support and alimony and provide the status of each judgement and/or obligation.

40. With regard to each obligation of child support and/or alimony, please state the following: Have any payments been made late or have there been any lapses in payment? Have any motions or court actions for modification of child support or alimony been filed or instituted? Have any actions or motions to compel payment or initiate collections of late payments and/or past due amounts been filed or threatened? Have any writs of garnishment been issued? If your response was yes to any of the above questions, please provide details.

Miscellaneous

41. Have you ever had any association with any person, group or business venture that could be used, even unfairly, to impugn or attack your character and qualifications for a government position?

42. Do you know anyone or any organization that might take any steps, overtly or covertly, fairly or unfairly, to criticize your appointment, including any news organization? If so, please identify and explain the basis for the potential criticism.

43. Please provide any other information, including information about other members of your family, that could suggest a conflict of interest or be a possible source of embarrassment to you, your family or the President.

*Senator Orrin G. Hatch
Chairman
United States Senate
Judiciary Committee
Washington, D.C. 20510-4402
Tel # (202) 224-5225
Fax # (202) 228-1115*

Facsimile Cover Sheet

TO: JACK QUINN DATE: 8/26COUNSEL TO THE PRESIDENT TIME: _____FAX NUMBER: 202-456-6279PHONE NUMBER: 202-456-2632FROM: MARK DISLER
CHIEF COUNSELSUBJECT: _____
_____TOTAL NUMBER OF PAGES SENT (including cover sheet): 2

If you do not receive all pages, please call: _____

COMMENTS: _____

This and any accompanying pages contain information from the office of United States Senator Orrin G. Hatch which is confidential or privileged. The information is intended to be for the use of the individual or entity name above. If you are not the intended recipient, be aware that any disclosures, copying, distribution or use of the contents of this information is prohibited. If you have received this facsimile in error, please notify our offices by telephone immediately so that we can arrange for removal of the original document at no cost to you.

ORRIN G. HATCH, UTAH, CHAIRMAN

STROM THURMOND, SOUTH CAROLINA
ALAN K. SIMPSON, WYOMING
CHARLES E. GRASSLEY, IOWA
ARLEN SPECTER, PENNSYLVANIA
HANK BROWN, COLORADO
FRED THOMPSON, TENNESSEE
JON KYL, ARIZONA
MIKE DEWINE, OHIO
SPENCER ABRAHAM, MICHIGAN

JOSEPH R. BIDEN, JR., DELAWARE
EDWARD M. KENNEDY, MASSACHUSETTS
PATRICK J. LEAHY, VERMONT
HOWELL HEFLIN, ALABAMA
PAUL SIMON, ILLINOIS
HERBERT KOHL, WISCONSIN
DIANNE FEINSTEIN, CALIFORNIA
RUSSELL D. FEINGOLD, WISCONSIN

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

MARK R. DISLER, *Chief Counsel*
MANUS COONEY, *Staff Director and Senior Counsel*
CYNTHIA C. HOGAN, *Minority Chief Counsel*
KAREN A. ROSS, *Minority Staff Director*

August 26, 1996

The Honorable Leon Panetta
Chief of Staff to the President
The White House
Washington, D.C. 20500

Dear Mr. Panetta:

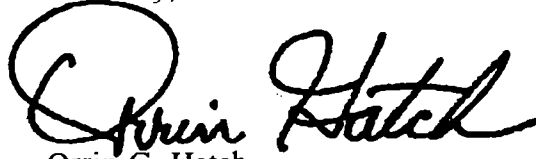
As you know, the Senate Judiciary Committee is investigating the circumstances surrounding the White House's request for, and receipt and handling of the FBI background files of a large number of individuals from former administrations. The Judiciary Committee has held three hearings regarding this matter, and I plan to hold an additional hearing on this subject as well as the White House's communications with the Federal Bureau of Investigation and Department of Justice regarding these matters and its response to Congressional requests for documents and information.

I request that Mr. Jack Quinn, Counsel to the President, and Ms. Jane C. Sherburne, Special Counsel to the President, appear before the Senate Judiciary Committee on September 5, 1996, to respond to questions regarding the White House's involvement in this matter. My staff will contact them regarding the time and location of the hearing in the near future. Please confirm that both Mr. Quinn and Ms. Sherburne will appear before the Committee at this hearing by August 30, 1996. Please also advise me whether Mr. Quinn and Ms. Sherburne are willing to be interviewed by Committee staff before the hearing. If so, my staff will arrange a mutually agreeable time.

In addition, I request that the White House promptly provide the Committee with the documents requested on July 3, and again on July 23, but which have yet to be produced.

Should you have any questions regarding this request, please feel free to contact me or have someone from your staff contact Mark Disler, Chief Counsel, at (202) 224-5225.

Sincerely,



Orrin G. Hatch
Chairman

cc: Senator Joseph R. Biden, Jr.
Ranking Member

THE WHITE HOUSE
WASHINGTON

August 28, 1996

The Honorable Orrin G. Hatch
Chairman
United States Senate
Committee on the Judiciary
Washington, DC 20510-4402

Dear Mr. Chairman:

Your August 26th letter to Mr. Panetta was referred to me in his absence. As you know, Mr. Panetta is in Chicago this week at the Democratic National Convention. I have apprised him of your letter and your interest in receiving testimony from White House officials. He has asked me to assure you that we will be in a position to provide a response to you promptly upon his return to the office on Tuesday, September 3, 1996.

With regard to your request for certain documents, we understand that your staff has been working with Ms. Sherburne on protocols for the handling of these materials and that we expect to provide you with documents on Friday, as requested.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Kathleen M.H. Wallman", with a long, sweeping horizontal line extending to the right.

Kathleen M.H. Wallman
Deputy Counsel to the President

ORRIN G. HATCH, UTAH, CHAIRMAN

STROM THURMOND, SOUTH CAROLINA
ALAN K. SIMPSON, WYOMING
CHARLES E. GRASSLEY, IOWA
ARLEN SPECTER, PENNSYLVANIA
HANK BROWN, COLORADO
FRED THOMPSON, TENNESSEE
JON KYL, ARIZONA
MIKE DEWINE, OHIO
SPENCER ABRAHAM, MICHIGAN

JOSEPH R. BIDEN, JR., DELAWARE
EDWARD M. KENNEDY, MASSACHUSETTS
PATRICK J. LEAHY, VERMONT
HOWELL HEFLIN, ALABAMA
PAUL SIMON, ILLINOIS
HERBERT KOHL, WISCONSIN
DIANNE FEINSTEIN, CALIFORNIA
RUSSELL D. FEINGOLD, WISCONSIN

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

MARK R. DISLER, *Chief Counsel*
MANUS COONEY, *Staff Director and Senior Counsel*
CYNTHIA C. HOGAN, *Minority Chief Counsel*
KAREN A. ROSS, *Minority Staff Director*

August 26, 1996

The Honorable Leon Panetta
Chief of Staff to the President
The White House
Washington, D.C. 20500

Dear Mr. Panetta:

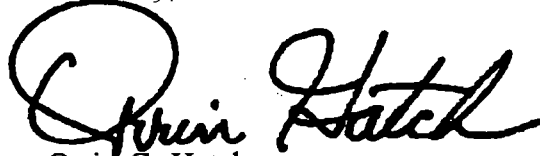
As you know, the Senate Judiciary Committee is investigating the circumstances surrounding the White House's request for, and receipt and handling of the FBI background files of a large number of individuals from former administrations. The Judiciary Committee has held three hearings regarding this matter, and I plan to hold an additional hearing on this subject as well as the White House's communications with the Federal Bureau of Investigation and Department of Justice regarding these matters and its response to Congressional requests for documents and information.

I request that Mr. Jack Quinn, Counsel to the President, and Ms. Jane C. Sherburne, Special Counsel to the President, appear before the Senate Judiciary Committee on September 5, 1996, to respond to questions regarding the White House's involvement in this matter. My staff will contact them regarding the time and location of the hearing in the near future. Please confirm that both Mr. Quinn and Ms. Sherburne will appear before the Committee at this hearing by August 30, 1996. Please also advise me whether Mr. Quinn and Ms. Sherburne are willing to be interviewed by Committee staff before the hearing. If so, my staff will arrange a mutually agreeable time.

In addition, I request that the White House promptly provide the Committee with the documents requested on July 3, and again on July 23, but which have yet to be produced.

Should you have any questions regarding this request, please feel free to contact me or have someone from your staff contact Mark Disler, Chief Counsel, at (202) 224-5225.

Sincerely,



Orrin G. Hatch
Chairman

cc: Senator Joseph R. Biden, Jr.
Ranking Member

THE WHITE HOUSE
WASHINGTON

August 21, 1996

BY TELECOPY

Manus Cooney, Esq.
Staff Director & Senior Counsel
Judiciary Committee
United States Senate
Washington, D.C. 20510

Dear Manus:

I received your letter inquiring about the status of Senator Hatch's request for documents relating to the issue of executive privilege. By letter dated July 25, 1996, we produced the documents describing the invocation of executive privilege. By letter dated July 30, 1996, I invited you to let me know if you needed anything further in connection with this request. Subsequently, members of your staff requested orally several additional documents, which we provided to you on August 15, 1996. Please let me know if you are interested in anything further.

You also specifically requested a copy of DF 781498-500, a memorandum dated September 16, 1993 from Mr. Nussbaum and Mr. Neel to Mr. McLarty. The document is enclosed.

Please feel free to give me a call if you have any questions.

Sincerely yours,



Jane C. Sherburne
Special Counsel to the President

Enclosures
cc: Cynthia Hogan, Esq. (w/encl)

THE WHITE HOUSE

WASHINGTON

September 16, 1993

MEMORANDUM FOR THOMAS F. MCLARTY III
CHIEF OF STAFF

FROM: BERNARD W. NUSSBAUM
COUNSEL TO THE PRESIDENT

ROY NEEL
DEPUTY CHIEF OF STAFF

SUBJECT: White House Access Policy

The White House Travel Office Management Review included among its nine "Management Improvements" a commitment that "[t]he Chief of Staff, in conjunction with the Counsel to the President, will provide guidance on access to the White House."

This memorandum recommends the following policy for approving the issuance of White House hard badges, which give access to the White House complex.

WHITE HOUSE ACCESS POLICY

White House hard badges (permanent passes) will, absent exceptional circumstances (to be determined by the Chief of Staff with guidance from the Counsel to the President as set forth below), be issued only to employees of the Federal government, with the sole exception of:

- i) family members of the First Family, and
- ii) individuals employed by the Democratic National Committee ("DNC") whose duties require regular consultation with the President and his staff.

If a staff member believes that a non-employee's status merits the issuance of a hard badge, he or she must follow the procedures outlined below.

I. Department Completion of Request for Access Form

A staff member wishing to request a hard badge for an individual who is not an employee of the Federal government shall complete a "Request for Access" form. These forms are available in the White House Security Office (Room 84). In addition to regular employees of the Executive Office of the President, employees include Cabinet members and their staff, detailees, special



DF 781498

government employees (including consultants), interns, full-time volunteers and volunteers approved by the Volunteer Office to provide administrative assistance.

Staff members requesting a hard badge for a particular individual must provide all relevant information about the individual for whom access is requested, including detailed reasons for the request.

II. Preliminary Approval by the Chief of Staff

The Chief of Staff, or his designee, shall review all Request for Access forms. He will make a preliminary determination as to whether a non-employee qualifies under the policies stated herein for a hard badge.

If the Chief of Staff or his designee determines that the level of access needed by the individual is sufficient to warrant issuance of a hard badge, he will forward the Request for Access form, under his signature, to the Counsel's Office for review.

III. Review by the Office of the Counsel to the President

The Counsel's Office will review requests for hard badges and will make any additional inquiries needed to reach an informed decision regarding the activities in which the individual will be participating and his or her need for access.

Prior to making a recommendation for a hard badge, the Counsel's Office will, after consultation with the individual, identify areas from which the individual should refrain from participating in light of actual or potential conflicts of interest. The non-employee passholder will be advised of these areas and a memorandum will be placed in the passholder's file with this information.

The Counsel's Office then will recommend:

- A) whether a badge should be issued; and,
- B) the type of badge the non-employee should receive.

After reviewing a Request for Access form, the Counsel's Office will forward the form and its recommendations to the Chief of Staff for final action.

IV. Final Approval by the Chief of Staff

The Chief of Staff, or his designee, after reviewing the Counsel's Office's recommendation with respect to each request, will grant or deny final approval of requests for hard badges.

The Chief of Staff's Office will notify the staff member who requested the hard badge of the decision.

In those instances in which a non-employee receives approval for a pass, he or she will receive a Non-Government Status ("NGS") hard badge.

V. Family Members of the First Family

The Chief of Staff will approve hard badges for family members of the First Family as a matter of course. The Counsel's Office need not review such requests.

-- END --

Please indicate your decision regarding this policy below:

Approve ____

Approve with modifications ____

Disapprove ____

ORRIN G. HATCH, UTAH, CHAIRMAN

STROM THURMOND, SOUTH CAROLINA
ALAN K. SIMPSON, WYOMING
CHARLES E. GRASSLEY, IOWA
ARLEN SPECTER, PENNSYLVANIA
HANK BROWN, COLORADO
FRED THOMPSON, TENNESSEE
JON KYL, ARIZONA
MIKE DEWINE, OHIO
SPENCER ABRAHAM, MICHIGAN

JOSEPH R. BIDEN, JR., DELAWARE
EDWARD M. KENNEDY, MASSACHUSETTS
PATRICK J. LEAHY, VERMONT
HOWELL HEFLIN, ALABAMA
PAUL SIMON, ILLINOIS
HERBERT KOHL, WISCONSIN
DIANNE FEINSTEIN, CALIFORNIA
RUSSELL D. FEINGOLD, WISCONSIN

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

MARK R. DISLER, *Chief Counsel*
MANUS COONEY, *Staff Director and Senior Counsel*
CYNTHIA C. HOGAN, *Minority Chief Counsel*
KAREN A. ROBB, *Minority Staff Director*

August 19, 1996

Ms. Jane Sherburne
Special Counsel to the President
The White House
Washington, D.C. 20500

Dear Ms. Sherburne:

On July 3, 1996, Sen. Orrin G. Hatch, Chairman of the Senate Committee on the Judiciary, requested documents relating to the issue of executive privilege. As you know, this request has been pending for more than six weeks and, to date, none of the relevant documents have been provided. I trust these documents will be provided expeditiously and would strongly urge that all of the requested documents be produced no later than August 21, 1996.

On a related note, Chairman Hatch's request should be read to include a copy of document number DF 781498-500, dated 9/16/93, to Thomas McLarty, from Bernard Nussbaum and Roy Neel described as a "Memorandum analyzing legal and policy issues with respect to White House access." I am aware that executive privilege has previously been invoked with regard to this document, but am confident that prompt, good faith discussions will remove any basis for invoking the privilege in this instance, and allow for production of the document by the requested date. Your continued and prompt cooperation is greatly appreciated.

If you have any questions regarding this request, please contact me.

Sincerely,



Manus Cooney
Staff Director and Senior Counsel

OGH:mrr

THE WHITE HOUSE

WASHINGTON

August 23, 1996

BY TELECOPY

Manus Cooney, Esq.
Staff Director & Senior Counsel
Judiciary Committee
United States Senate
Washington, D.C. 20510

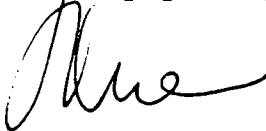
Dear Manus:

As I have mentioned in prior correspondence, we are prepared to produce documents to you in response to the Chairman's request as soon as we have protocols for their handling. We provided you with a proposal and invited you to contact me or Jim Weber with your comments. Mr. Larkin left voice messages for Mr. Weber earlier this week and telecopied to him an alternative proposal. Mr. Weber became a new parent on Monday so did not receive these communications from Mr. Larkin until Wednesday afternoon when he stopped by his office. I apologize for our delay in responding.

We are interested in cooperating with the Chairman's inquiry and have assembled material responsive to his request. Although we have understood you to state an eagerness about receiving our material promptly, Mr. Larkin's protocol proposal hardly seems like a serious effort to resolve the only remaining obstacle. For example, you cannot seriously expect that we would agree to a protocol that refers to the Committee's inquiry as the "Ex-Files."

In the interests of moving this along, we have revised our proposal to take into account what appeared to be the key elements of Mr. Larkin's draft. Please feel free to give me or Jim a call to discuss any remaining issues.

Sincerely yours,



Jane C. Sherburne
Special Counsel to the President

Enclosure

cc: Cynthia Hogan, Esq. (w/encl)

**PROTOCOLS FOR ACCESS TO, PHYSICAL CUSTODY OF, AND PUBLIC USE AND
DISCLOSURE OF DOCUMENTS PROVIDED TO THE SENATE JUDICIARY
COMMITTEE BY THE WHITE HOUSE IN ITS INQUIRY INTO WHITE HOUSE
REQUESTS FOR FBI BACKGROUND INVESTIGATION REPORTS AND RELATED
MATTERS.**

1. DESIGNATION -- All documents submitted to the Committee by the White House in response to Committee requests (the "Documents") shall be considered to be within the confidential business of the Committee for purposes of Paragraph 5 of Rule XXIX of the Standing Rules of the Senate. Any staff member who violates the confidentiality procedures of the Committee shall be immediately subject to sanctions, including removal from employment.
2. ACCESS - Senate staff access to the Documents will be limited to Committee staff designated by the Chairman and the Ranking Member, and one (1) designated staff person from each Member of the Committee. No other staff for Members of the Committee, nor any other Senate staff may review the Documents without the prior written agreement of the Chairman and Ranking Member. All designated staff shall agree to the conditions set forth in this protocol and shall execute the attached confidentiality agreement.
3. CUSTODY - The Documents will maintained at all times within specially-designated, safe and secure rooms of the Committee office space. Only staff designated pursuant to paragraph two (2) shall be permitted to review the Documents. Designated staff may take notes, but may not make copies of Documents, or remove them from the secure office space unless authorized by the Chairman after consultation with the Ranking Member.
4. PUBLIC DISCLOSURE - Documents will be maintained in a "Committee confidential" status and will not be publicly released. Only the Chairman, after consultation with the Ranking Member, shall authorize the public disclosure of Documents. Documents may be introduced into the hearing record at public hearings of the Committee on the subject matter of this inquiry. The White House will be provided advance notice of any public disclosure of Documents, other than those disclosed at public hearings. No Member or staff of the Committee shall disclose, in whole or in part or by way of summary, the Documents subject to these protocols unless authorized by the Chairman in consultation with the Ranking Member.

UNITED STATES SENATE

**CONFIDENTIALITY AGREEMENT RELATING TO THE SENATE JUDICIARY
COMMITTEE'S INQUIRY INTO THE WHITE HOUSE REQUESTS FOR FBI
BACKGROUND INVESTIGATION SUMMARIES AND RELATED MATTERS.**

I have read and understand the attached document protocols.
I will abide by those protocols and maintain the confidentiality
of all Documents and information of which I become aware related
to the above referenced matter. I understand I will be subject to
sanctions, including removal from employment, if I disclose
confidential information or Documents.

_____ (Signature)

_____ (Printed Name)

_____ (Social Security #)

_____ (Date)

THE WHITE HOUSE

WASHINGTON

August 15, 1996

BY HAND DELIVERY

Manus Cooney, Esq.
Staff Director & Senior Counsel
Judiciary Committee
United States Senate
Washington, D.C. 20510

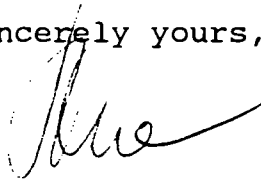
Dear Manus:

As you may know, Mr. Hirshland and Ms. Riley have requested that the White House provide the Judiciary Committee with the enclosed documents: the four letters referenced in Mr. Quinn's May 9, 1996 letter to Chairman Clinger; Chairman Clinger's June 5, 1996 letter to the President; and, the January 11, 1996 subpoena from the House Government Reform Committee. Also enclosed is a July 18, 1996 letter (with attachments) from me to Chairman Clinger that describes the production of the Billy Dale file.

We have additional documents responsive to Chairman Hatch's requests that we are ready to transmit as soon as we have finalized the protocols. I gather that Paul Larkin will be providing comments on our proposal shortly.

Please give me a call if you have any questions.

Sincerely yours,



Jane C. Sherburne
Special Counsel to the President

Enclosures

cc: Cynthia Hogan, Esq. (w/encl)

THE WHITE HOUSE
WASHINGTON

August 6, 1996

BY FACSIMILE

Manus Cooney, Esq.
Staff Director & Senior Counsel
Judiciary Committee
United States Senate
Washington, D.C. 20510

Dear Manus:

Enclosed are proposed document protocols for your consideration. We should be able to produce additional material responsive to the Chairman's request early next week. It would be useful if we could agree on protocols by that time. Please give me (456-5116) or Jim Weber (456-2026) a call when you would like to discuss them.

Sincerely yours,



Jane C. Sherburne
Special Counsel to the President

Enclosure
cc: Cynthia Hogan, Esq. (w/encl)

PROTOCOLS FOR ACCESS TO, PHYSICAL CUSTODY OF, AND PUBLIC USE AND DISCLOSURE OF DOCUMENTS PROVIDED TO THE SENATE JUDICIARY COMMITTEE IN ITS INQUIRY INTO THE WHITE HOUSE'S REQUESTS FOR FBI BACKGROUND INVESTIGATION SUMMARIES AND RELATED MATTERS.

1. DESIGNATION- All documents submitted to the Committee shall be designated either as "confidential" or "confidential and personal". The White House shall make the appropriate designation in consultation with the Chairman and the Ranking Member.

All documents submitted to the Committee by the White House, regardless of designation, shall be considered to be within the confidential business of the Committee for purposes of Paragraph 5 of Rule XXIX of the Standing Rules of the Senate. Any staff member who violates the confidentiality procedures of the Committee shall be immediately subject to sanctions, including removal from employment.

2. ACCESS - Senate staff access will be limited to designated Committee investigative staff, and one (1) designated staff person from each Member of the Committee. No other staff for Members of the Committee, nor any other Senate staff may review the materials without the prior written agreement of the Chairman and Ranking Member. All designated staff shall, as a condition of employment, agree to the conditions set forth in these protocols and shall execute a confidentiality agreement consistent with these protocols. (A form of that agreement is attached.)

3. CUSTODY - The documents will maintained at all times within specially-designated, safe and secure rooms of the Committee office space. Only staff designated pursuant to paragraph two (2) shall be permitted to review the documents. Designated staff may take notes, but may not make copies of documents, or remove them from the secure office space.

4. PUBLIC DISCLOSURE - Documents will not be publicly released. No Member or staff of the Committee shall disclose, in whole or in part or by way of summary, the materials subject to these protocols unless authorized by the Chairman with the concurrence of the ranking Member.

Documents that are publicly available at the time of production to the Committee, or which subsequently become publicly available, or to which public access is provided, will no longer be treated as within the scope of these protocols.

Documents identified as "confidential" may be introduced into the hearing record at public hearings of the Committee on the subject matter of this inquiry. Although any Member may refer to, describe, or characterize the documents described as "confidential and personal" at public hearings of the Committee on the subjects of this inquiry, documents so designated will not be made public by the Committee.

The White House will be available to discuss and consider requests from the Majority or Minority to introduce into the hearing record documents designated "confidential and personal" if there is a compelling need shown for its public release at a hearing.

UNITED STATES SENATE

**CONFIDENTIALITY AGREEMENT RELATING TO THE SENATE
JUDICIARY COMMITTEE'S INQUIRY INTO THE WHITE HOUSE
REQUESTS FOR FBI BACKGROUND INVESTIGATION SUMMARIES AND
RELATED MATTERS.**

I have read and understand the attached document protocols. I will abide by those protocols and maintain the confidentiality of all materials and information of which I become aware related to the above referenced matter. I understand I will be subject to sanctions, including removal from employment, if I disclose confidential information or materials.

_____ (Signature)
_____ (Printed Name)
_____ (Social Security #)
_____ (Date)

THE WHITE HOUSE
WASHINGTON

July 30, 1996

BY FACSIMILE

Manus Cooney, Esq.
Staff Director & Senior Counsel
Judiciary Committee
United States Senate
Washington, D.C. 20510

Dear Manus:

Thank you for your letter of July, 23 1996 confirming and elaborating on the agreements and discussion from our July 11, 1996 meeting. I believe with the clarifications you have provided we can move quickly to respond to many of the Chairman's requests. As we explained in our meeting, however, the Independent Counsel requested that we secure the Office of Personnel Security and the room in which the Office of Records Management maintains records archived from OPS. As a result, many of the records that may be responsive to your requests have been unavailable for review.

The Independent Counsel recently has permitted access to the records in ORM and we have begun the process of reviewing those records for material requested by the Chairman. Responsive documents will be provided to you as soon as possible. However, the documents in OPS remain unavailable to us.

With respect to the Chairman's requests for documents related to the Personal Data Statement Questionnaire, you misunderstood if you thought we were refusing to provide this material without an explanation of the Committee's jurisdictional interest. Rather, we asked you to articulate the basis for the Senate Judiciary Committee's inquiry into the questions this White House asks of its employees who serve entirely at the pleasure of the President.

Mr. Chris Emery, who I assume you have in mind when you refer to the premature updating of career employees' FBI background investigations, was not a career employee. Rather, he was an employee appointed under Title 3 of the United States Code. Further, we understand that his reinvestigation was requested in 1993 because records provided to the White House by the FBI omitted information that Mr. Emery had been reinvestigated in 1991. When this error was discovered, Mr. Emery was not reinvestigated in 1993.

Manus Cooney Esq
July 30, 1996
Page 2

I apologize for any impression we may have left with you that we would not provide documents to the Committee related to the President's invocation of executive privilege over certain documents subpoenaed by the House Government Reform and Oversight Committee. Although we did ask that you explain the Committee's jurisdiction to investigate White House compliance with a subpoena issued by the other body of Congress, we already have provided you with documents that describe the history of the invocation. In addition, I am enclosing with this letter a description we provided Chairman Clinger of the circumstances under which we located and produced the Billy Dale FBI file and related request to the FBI for Mr. Dale's previous reports. Please let me know if you need anything further in connection with this request.

Likewise, we have not refused to assist you in locating potential witnesses. Indeed, we have been providing such information and will continue to do so. However, you did agree to provide a description of the subject matter about which you intended to question these witnesses and the jurisdictional basis for the particular inquiry.

Finally, we cannot retrieve e-mails spanning the time period you have identified -- September 1993 through December 1995 -- in anything short of several months at a cost of well over \$200,000. At a minimum, we suggest that you identify the weeks you consider a priority.

As you know, the Committee's requests for documents are extensive. We already have provided a number of documents to the Committee and we are diligently working to provide additional responsive documents as soon as possible.

Please give me a call if you have any questions.

Sincerely yours,



Jane C. Sherburne
Special Counsel to the President

Enclosure
cc: Cynthia Hogan, Esq. (w/encl)

THE WHITE HOUSE
WASHINGTON

July 25, 1996

BY HAND DELIVERY

Manus Cooney, Esq.
Staff Director & Senior Counsel
Judiciary Committee
United States Senate
Washington, D.C. 20510

Dear Manus:

During our meeting on July 11, 1993, I agreed to provide to you copies of the correspondence with the House Government Reform Committee that reflected the protocols established by that Committee for handling White House documents. I also agreed to provide copies of the correspondence describing the White House's assertion of executive privilege in connection with documents under subpoena by that same Committee. Enclosed are those letters.

I have also received your letter of July 23, 1996. Please be assured that we are working on producing the documents we agreed to provide to the Judiciary Committee. I will respond further to your July 23, 1996 letter under separate cover.

Please give me a call if you have any questions.
Congratulations on the new baby!

Sincerely,



Jane C. Sherburne
Special Counsel to the President

Enclosures

cc: Cynthia Hogan (with enclosures)

THE WHITE HOUSE
WASHINGTON

July 16, 1996

BY HAND DELIVERY

The Honorable Orrin G. Hatch
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Chairman Hatch:

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; 048229-048342.)

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

Enclosures

cc: Honorable Joseph R. Biden, Jr. (with enclosures)

LAW OFFICES

STEIN, MITCHELL & MEZINES

1100 CONNECTICUT AVENUE, NORTHWEST
WASHINGTON, D. C. 20036

BASIL J. MEZINES
GLENN A. MITCHELL
JACOB A. STEIN
GERARD E. MITCHELL
ROBERT F. MUSE
DAVID U. FIERST
RICHARD A. BUSSEY
PATRICK A. MALONE
ROBERT L. BREDHOFF
CHRISTOPHER H. MITCHELL
SHARON M. JOHNSTON
JOAN D. MEZINES
NANCY R. GRENIER
ANDREW M. BEATO
LAURIE A. AMELL

OF COUNSEL
GEORGE ANTHONY FISHER
SANDRA L. HUGHES

TELEPHONE (202) 737-7777
TELECOPIER (202) 296-8312

June 28, 1996

Honorable Orrin G. Hatch, Chairman
Honorable Joseph R. Biden
United States Senate
Committee on the Judiciary
224 Dirksen Office Building
Washington, D.C. 20510

Re: ANTHONY B. MARCECA

Dear Senators Hatch & Biden:

Yesterday, we notified your staff that Anthony B. Marceca would be in attendance at today's hearing before the Senate Judiciary Committee. Mr. Marceca has authorized us to notify you that, on the advice of counsel, he will assert his right to remain silent under the Fifth Amendment, in response to any questions he may be asked by the Committee.

Inasmuch as Mr. Marceca will be asserting his constitutional right not to answer the Committee's questions, we request that he be permitted to do so by this letter. To call him before the Committee, particularly given the public nature of the proceedings, will cause him only needless embarrassment. We are aware of numerous instances where Senate committees have allowed witnesses to proceed in the matter we propose. We respectfully ask that the Judiciary Committee follow these precedents and excuse Mr. Marceca from appearing at today's hearing.

June 28, 1996

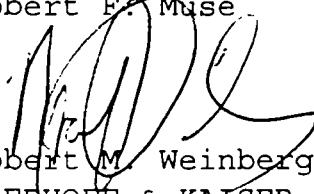
Page 2

We appreciate your consideration of this matter.

Sincerely,



Robert F. Muse



Robert M. Weinberg
BREDHOFF & KAISER, P.L.L.C.
1000 Connecticut Avenue, N.W.
Suite 1300
Washington, D.C. 20036

Attorneys for Anthony B. Marceca

THE WHITE HOUSE
WASHINGTON

June 27, 1996

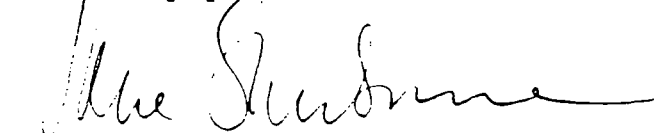
BY HAND

The Honorable Joseph R. Biden, Jr.
Ranking Member
Committee on the Judiciary
United States Senate
Washington, D.C.

Dear Senator Biden:

Pursuant to your written request for documents referred to by Ms. Ashley Raines during her interview with Committee staff, enclosed are documents bearing the numbers S1-0001 through S1-1446.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Jane C. Sherburne", written over a faint, larger signature that is partially obscured.

Jane C. Sherburne
Special Counsel to the President

Enclosures

cc: Honorable Orrin G. Hatch (with enclosures)

ORRIN G. HATCH, UTAH, CHAIRMAN

STROM THURMOND, SOUTH CAROLINA
ALAN K. SIMPSON, WYOMING
CHARLES E. GRASSLEY, IOWA
ARLEN SPECTER, PENNSYLVANIA
HANK BROWN, COLORADO
FRED THOMPSON, TENNESSEE
JON KYL, ARIZONA
MIKE DEWINE, OHIO
SPENCER ABRAHAM, MICHIGAN

JOSEPH R. BIDEN, JR., DELAWARE
EDWARD M. KENNEDY, MASSACHUSETTS
PATRICK J. LEAHY, VERMONT
HOWELL HEFLIN, ALABAMA
PAUL SIMON, ILLINOIS
HERBERT KOHL, WISCONSIN
DIANNE FEINSTEIN, CALIFORNIA
RUSSELL D. FEINGOLD, WISCONSIN

MARK R. DIBLER, *Chief Counsel*
MANUE COONEY, *Staff Director and Senior Counsel*
CYNTHIA C. HOGAN, *Minority Chief Counsel*
KAREN A. ROSE, *Minority Staff Director*

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6276

June 27, 1996

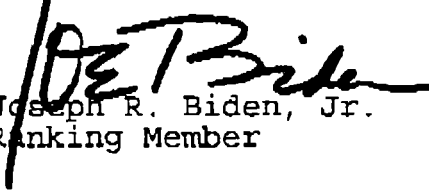
Jane C. Sherburne
Special Counsel to the President
The White House
Washington, DC

Dear Ms. Sherburne:

During an interview of Ms. Ashley Raines on Wednesday, June 26, Ms. Raines indicated that she was in possession of lists of persons that were on the Secret Service data base but were no longer employed at the White House.

We respectfully request that Ms. Raines provide these lists, and any other related documents that she referred to during her interview, to the Judiciary Committee today.

Sincerely,


Joseph R. Biden, Jr.
Ranking Member



U.S. Department of Justice

Federal Bureau of Investigation

Office of the General Counsel

Washington, D.C. 20535

June 25, 1996

Honorable Orrin G. Hatch
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C.

Dear Mr. Chairman:

I would like to thank you for asking me to testify before the Committee last week concerning my report on "The Dissemination of FBI File Information to the White House." This was important testimony for the FBI and I was pleased to have the opportunity to describe the reforms the FBI has made.

One issue that arose at the hearing was whether the FBI collects and disseminates "taxpayer" information obtained from the Internal Revenue Service (IRS) as part of the background investigation process. I want to assure you that, consistent with federal law, the FBI does not request, receive or disseminate such information. Further, based on review of the contents of the 406 folders returned to the FBI by the White House, no taxpayer information was disseminated by the FBI to the White House in response to the requests at issue. (The 407th folder remains in the possession of the Independent Counsel and was not reviewed.)

With the 1976 amendments to Title 26, U.S. Code, § 6103, which became effective January 1, 1977, tax returns and return information are afforded substantial privacy protections and are no longer subject to disclosure except in limited situations. I have been advised that since enactment of those amendments, the FBI does not request or receive any information from the IRS as part of the background investigation process. Prior to the amendments, the IRS would only advise if an individual's taxes were current or delinquent and, if delinquent, the years and dollars amount of any delinquencies. That

Honorable Orrin G. Hatch

information was included in the background summary reports prepared prior to 1977. I note that anything acquired lawfully prior to the 1976 amendments may still be disseminated in accordance with the previous statutory authority without violating the law. 26 C.F.R. § 301.6103(a)-1.

When the White House recently returned to the FBI the 406 folders containing the FBI background summaries, two of the folders did contain "Tax Check Reports" from the IRS. The documents in question are memoranda from the Director of the Office of Disclosure, IRS, to William H. Kennedy, III, Associate Counsel to the President. These documents were never part of the FBI files on these individuals, but were apparently added to the folders by White House staff after receipt from the IRS. Both reports are for years 1989-1991, show no failure to pay taxes by the individuals named in the reports, and indicate there were no criminal tax investigations or civil penalties for these years. Executed waiver forms from the individuals named are attached to each IRS report. *

This information has not been further disseminated by the FBI. Further, I have ordered that all the copies be sealed and segregated from the file. I will discuss with the Independent Counsel how he wants these documents to be handled but, in any event, the FBI will make no use of them whatsoever.

Finally, among the material returned by the White House was a miscellaneous box of information. One folder in this box was identified as "IRS Returned March-April 1993." This folder contains five sheets of paper, each entitled "IRS Reports Returned." Each of these sheets of paper bears the names of numerous individuals and notations as to whether reports are complete or incomplete. It did not contain reports or any information provided by the IRS. Again, this material was not part of any file maintained by the FBI, but was among the papers surrendered to the FBI by the White House on June 6, 1996. *

I hope the above information is helpful to you in your examination of this matter. Should you or your staff like a further briefing beyond what the FBI already provided, I would be happy to provide it.

Sincerely yours,

Howard M. Shapiro
Howard M. Shapiro
General Counsel