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Folder Title:

FBI Files Matter - Correspondence with Senate Judiciary Committee [4]

Staff Office-Individual:

Counsel's Office-Nemetz, Miriam

Original OA/ID Number:

CF 446

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THE WHITE HOUSE
WASHINGTON

June 19, 1996

BY HAND

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

Dear Chairman Hatch:

This letter is in response to your letter of June 13, 1996 to Leon Panetta.

As you know, the investigation of the FBI files matter has been handled by both the Office of the Independent Counsel and the Federal Bureau of Investigation. The White House has been cooperating fully with these investigations. As a result, we are not undertaking our own investigation or conducting file searches. However, we will provide the information we have available that bears on your inquiries.

1. We have not undertaken to determine the identity of all persons with authority to request background files from the FBI in December 1993. In December 1993, the Office of Personnel Security's Director was Craig Livingstone, the Executive Assistant was Mary Anderson, and the staff assistant was Lisa Wetzl. Also detailed to that Office was Anthony Marceca. Mr. Livingstone reported to Mr. William Kennedy, Associate Counsel to the President, who in turn reported to Mr. Bernard Nussbaum, Counsel to the President.

2. We are not aware of any memorandum on White House stationery regarding Billy Dale that was sent on December 20, 1993. However, the request to the FBI for copies of Mr. Dale's previous reports is attached.

3. With respect to your questions about the request for Mr. Dale's file, please see the attached declaration of Anthony Marceca. We believe that the person referred to in paragraph 4 of Mr. Marceca's declaration is Nancy Gemmell.

4. Regarding the receipt and maintenance of Mr. Dale's file, please see the attached statement of Jane Sherburne.

5. Regarding your questions about "Project Update," in addition to Mr. Marceca, we understand that Lisa Wetzl, Executive Assistant to the Director of Personnel Security, also worked on the Update Project.

6. With respect to whether it is routine for the White House to request prior FBI reports for all holdover employees, we understand from the recently completed FBI Report that it is indeed routine to request all prior FBI reports.

7. To the extent we have information responsive to your questions about the requests for and chain of custody of any of the mistakenly obtained FBI reports, please see the Sherburne statement, the Marceca Declaration and the attached Declaration of D. Craig Livingstone. Further, we understand that Lisa Wetzl is the person who identified Mr. Marceca's mistake.

8. The memorandum that Ms. Nolan wrote to Walter Dellinger at the Department of Justice did not request advice on the release of FBI background information. Instead, as part of its investigation into the Travel Office matter, the General Accounting Office had requested the personnel files (which do not include FBI reports) of the seven fired individuals. Ms. Nolan was seeking advice as to whether fulfilling that request would be appropriate. Copies of relevant documents, which have been provided to the House Government Oversight and Reform Committee, are attached for your information. We are not aware of a written reply.

9. We have no information responsive to your question about requests for FBI reports on Members of Congress or their staffs.

10. Enclosed is a statement released by then-White House Counsel Bernard Nussbaum which governs contacts between the White House and the FBI in the event of a potential investigation. We will provide other materials that may be helpful to you under separate cover as soon as possible.

In addition to responding to your questions, I believe it would also be helpful if I explained to 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.

Today, 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.

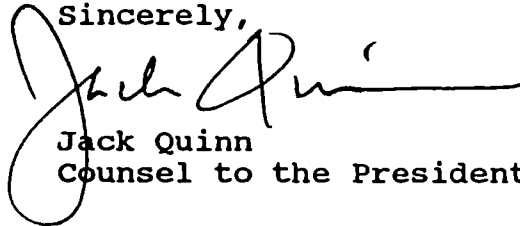
The EOP Security Office is currently supervised by Charles "Chuck" Easley, a career employee who has served for ten years as the EOP Security Officer since joining the office in the Reagan Administration. Before coming to his current job, Mr. Easley had a twenty-year career in the U. S. Army, including 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". The signature is fluid and cursive, with a large loop at the beginning and a long horizontal stroke at the end.

Jack Quinn
Counsel to the President

Enclosures

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

COPY

THE WHITE HOUSE
WASHINGTON

DEC 20 1993

(Date)

TO: FBI, LIAISON
FROM: BERNARD W. NUSSBAUM
SUBJECT: FBI Investigations

Subject's Name DALE, BILLY RAY

Date of Birth 04-05-37

Place of Birth Grundy, VA

Present Address _____

We request: XX Copy of Previous Report

 Name Check

 Expanded Name Check

 Full Field Investigation: Level I Level II

 Limited Update

 Other

The person named above is being considered for:

 White House Staff Position

 Presidential Appointment

VY ACCESS (S)

Attachments:

NON-RESPONSIVE MATERIAL REDACTED

 SF 86

 SF 87, Fingerprint Card

 SF 86, Supplement

Remarks, Special Instructions

CGE 043641

DEC 28 1993

DEC 28 1993

THE WHITE HOUSE
WASHINGTON

DEC 20 1993

(Date)

TO: FBI, LIAISON
FROM: BERNARD W. NUSSBAUM
SUBJECT: FBI Investigations

Subject's Name DALE, BILLY RAY

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VY ACCESS (S)

Attachments: NON-RESPONSIVE MATERIAL REDACTED

 SF 86

 SF 87, Fingerprint Card

 SF 86, Supplement

In response to your request, there are attached 11 letters & 11 memos reports which may relate to the subject of your inquiry.

CGE 043642

Remarks/Special Instructions

DECLARATION OF ANTHONY MARCECA

I, Anthony Marceca, hereby declare:

1. I make this Declaration based on personal knowledge, of my own volition, and not because of any inducement, promise or threat of any kind.

2. In mid-August 1993, I was detailed from my position as an investigator with the United States Army Criminal Investigative Division to the White House Office of Personnel Security, where I remained until mid-February 1994. At that time I had, and to this day I have, a Top Secret security clearance.

3. One of my assignments at the Office of Personnel Security was to pick up and continue the project of recreating personnel security files on employees and officials from the prior Administration who continued in their positions with the Clinton Administration, as well as others who continued to have a legitimate need for access to the White House complex. It was my understanding that all personnel security files from the prior Administration were sent to the archives during the transition between Administrations. This project was known as the Update Project.

4. Just prior to beginning my duties with the Office of Personnel Security, I was briefed by a long-time employee of the Office who was retiring. She showed me the procedure to follow in performing the Update Project, which consisted of creating a new file folder for "holdover" personnel and others who continued to need access to the White House complex, and ordering a copy of each individual's "Previous Report" (i.e., the individual's prior

~

background investigation) from the FBI to be placed in his or her file. The employee who was retiring showed me the various lists of names for which personnel security files needed to be recreated. I understood that these computerized lists came from the United States Secret Service.

5. It was my understanding that every person on the lists from which I was working was properly included on the lists because they had a legitimate need for access to the White House complex. I was not told, and I had no reason to believe, that some of the persons on the lists no longer should have been included on the Secret Service's White House access list. By illustration, I recall seeing several former Bush Administration officials, such as [REDACTED], in the White House complex during my detail at the Office of Personnel Security. If I saw [REDACTED] name on the access list, therefore, it would not have struck me as odd.

6. It was not part of my job to determine who should or should not have been on the Secret Service's White House access lists. I was not asked to make any judgments, and I did not make any judgments, as to who should or should not be on those lists.

7. The procedure I employed for the Update Project was as follows. I took a name from the access list, and determined whether the Office of Personnel Security had an existing file on the individual. If there was not a file on the individual in the Office vault, I would prepare a file folder and type a request on a pre-printed, xeroxed form, addressed to the "FBI, Liaison,"

asking for a copy of the individual's Previous Report. I also typed on the form the reason for the request to the FBI, e.g., "ACCESS (S)." I sent the form requesting a Previous Report to the FBI without showing it to anyone else in the Office of Personnel Security. When the Previous Report came into the office, I pulled the file I had created for the individual and reviewed the report to determine the date for the individual's next periodic reinvestigation, and to determine whether there was any information in the individual's Previous Report that could raise a question as to the individual's suitability to have access to the White House complex. In particular, I looked for inconsistencies between the information obtained by the FBI in its background investigation and the information voluntarily provided by the individual in his or her application for federal employment (SF-86). If the information I reviewed did not appear inconsistent, I delivered the file to the investigative assistant in the Office to initiate the process for the issuance of a pass and for filing in the Office vault.

8. As part of my consistent practice for the Update Project, I did not deliver the files or FBI Previous Reports to the head of the Office of Personnel Security, Craig Livingstone. I only delivered files that I created in the course of the Update Project for Mr. Livingstone's review if I discovered what I believed to be inconsistencies in an individual's paperwork.

9. As best I recall, there were only three files that I reviewed in the course of the Update Project that I delivered for

Mr. Livingstone's review. To the best of my recollection, none of these files were of former high-ranking Bush or Reagan

Administration officials, such as [REDACTED]

[REDACTED] My recollection is that one of the individuals involved worked for the General Services Administration, one worked for the telephone company, and one was a grounds keeper.

10. I was not asked to, and I did not seek to, obtain a Previous Report on any person for any reason other than to create a current personnel security file for an individual whom I believed was properly included on the White House access list. When I obtained copies of Previous Reports, I processed each one in accordance with the procedure I describe above, and did not single out any person for special scrutiny or treat any person differently, because of who he or she may have been.

Ic.
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT. (28 U.S.C. § 1746(2))

EXECUTED ON JUNE 9, 1996.


ANTHONY MARJECA

STATEMENT

Jane C. Sherburne
Special Counsel to the President

June 5, 1996

- ♦ This Administration, following the practice of past administrations, routinely maintains in its files background investigation information from the FBI on every White House employee.
- ♦ The background investigation files are customarily requested by the White House from the FBI through the use of a standardized form, under the name of the current White House Counsel.
- ♦ We have some indication that during the December 1993 time period White House record keepers were making an effort to fill in background information folders that were incomplete. We believe Mr. Dale's records may have mistakenly been sought as part of this record-keeping effort.
- ♦ Based on the records now available to us, Mr. Dale's background file was delivered to the Security Office of the White House on January 6, 1994 and placed in the Security Office's vault. Available records show that Mr. Dale's file was not signed out of the Security Office vault at any time between January 6, 1994 and December 1, 1994. On December

1, 1994, Mr. Dale's records were removed to the White House archives. According to the preliminary information now available to us, Mr. Dale's records remained in the archives until May 21, 1996, when they were retrieved for the purpose of responding to Representative Clinger's Committee.

- ◆ We have been contacted by the Office of the Independent Counsel regarding this matter, and we will continue our consistent practice of providing whatever information and witnesses are necessary to the Independent Counsel's inquiry. (The Independent Counsel has been charged with examining issues related to the Travel Office matter.)

DECLARATION OF D. CRAIG LIVINGSTONE

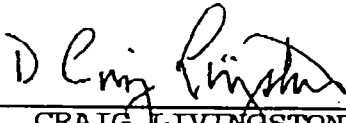
I, D. Craig Livingstone, hereby declare:

1. I make this Declaration based on personal knowledge.
2. I was never asked to obtain, I never instructed anyone to obtain, I never sought myself to obtain, and I never disseminated or asked anyone else to disseminate any information I learned from any FBI background files on any person for any improper purpose whatsoever.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING
IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

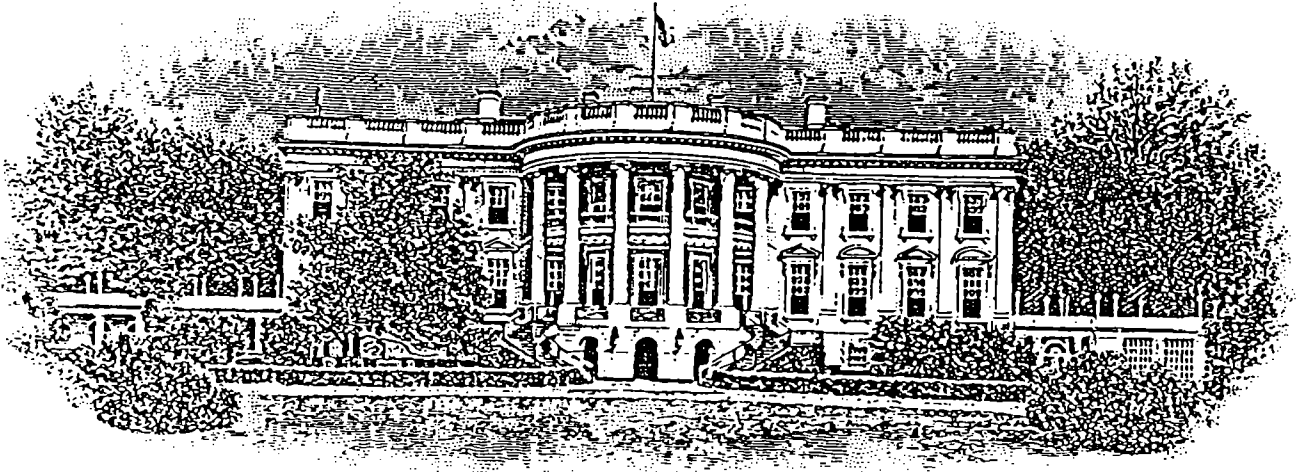
(28 U.S.C. § 1746(2))

EXECUTED ON JUNE 14, 1996.



D. CRAIG LIVINGSTONE

The White House



COUNSEL'S OFFICE

FACSIMILE TRANSMISSION COVER SHEET

TO: Walter Dellinger

FAX NUMBER: 514 - 0539

TELEPHONE NUMBER: _____

FROM: Ben Nolan

TELEPHONE NUMBER: 456 - 6229

PAGES (INCLUDING COVER): 3

COMMENTS: _____



CGE 043291

8/19/93

To: Walter Dellinger

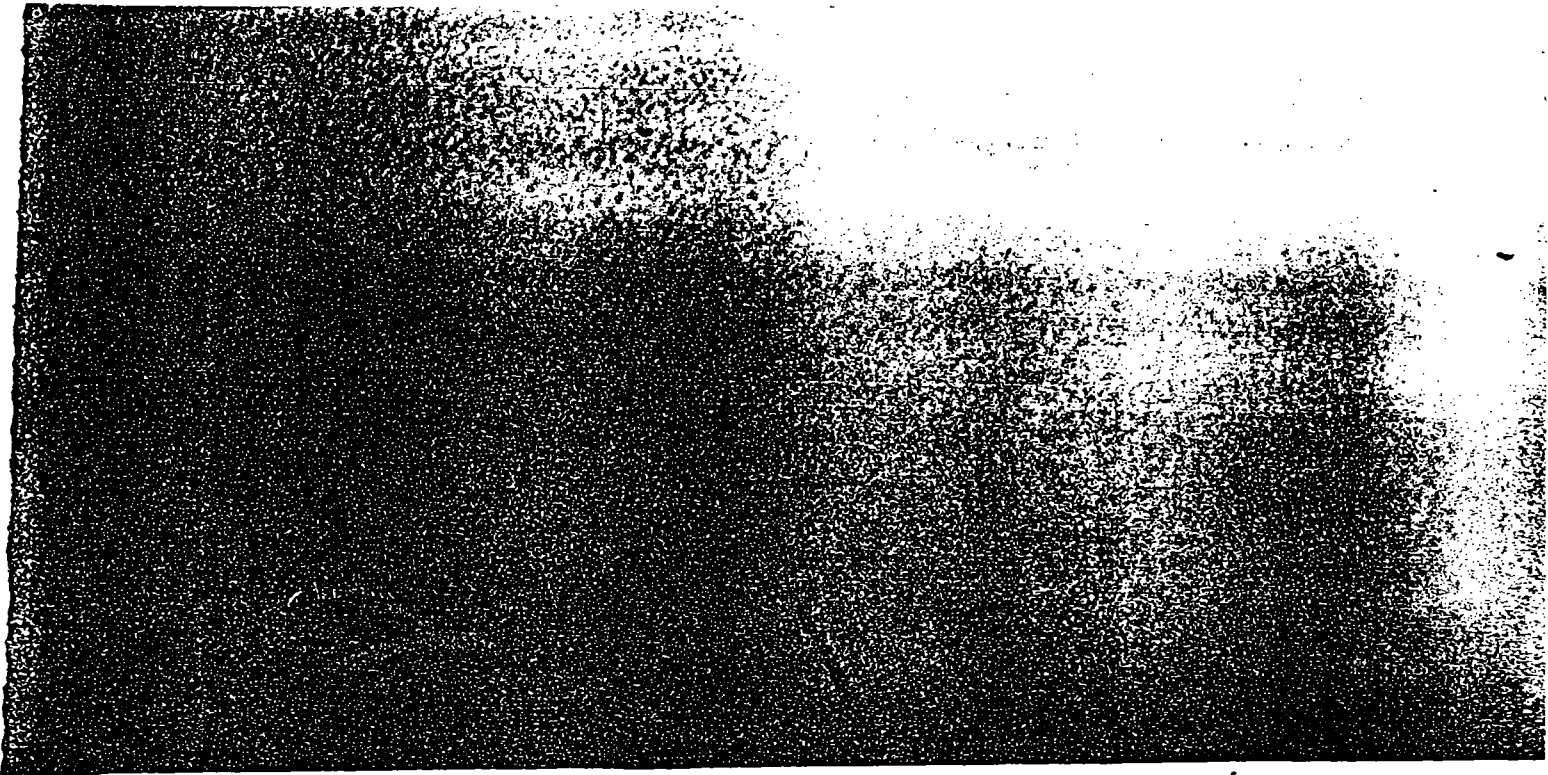
From: Beth Nolan

Attached is the request we discussed. We would like your verbal advice on whether there are any legal constraints on our providing any of this material. If it is permissible for us to provide any or all of it, do we have an obligation to notify the affected employees?

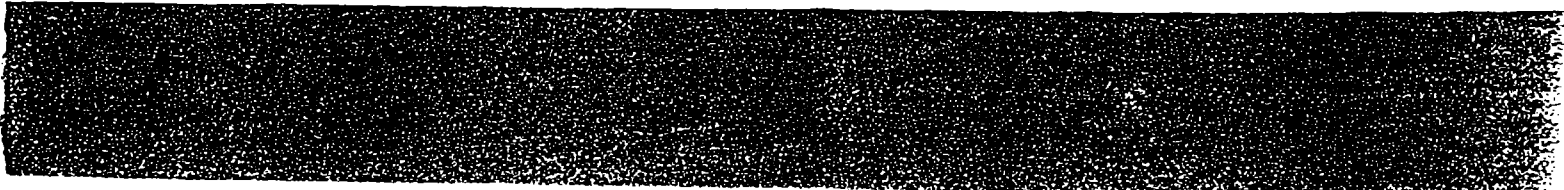
If you think of other considerations we should be aware of with regard to this request, please let us know what they are.

Thanks.


CGE 043292

- 
- (5) Personnel and performance records for the seven Travel Office personnel who were "fired", including appointment documents, resumes or applications, position descriptions, performance appraisals for the past three years, records of bonuses or awards, retirement applications (for those eligible who have applied), current pay levels, notification of termination and letters of resignation, records of reinstatement, and authorization of administrative leave. *


CGE 043293



The White House
Office of the Press Secretary

For Immediate Release

May 25, 1993

STATEMENT OF BERNARD W. NUSSBAUM
WHITE HOUSE COUNSEL

By directly contacting the FBI concerning how to deal with allegations of possible wrongdoing by employees of the White House Travel Office, the White House Counsel's office violated no policy, procedure or other requirement. There is presently no requirement that such contacts involving matters of internal White House security be made initially through the Office of the Attorney General. It has been the practice of the White House Security Officer -- in this instance, William Kennedy, Associate White House Counsel -- to be in direct contact with the FBI concerning internal White House security matters.

With respect to matters outside the White House, there is a policy that any initial contact with the Department of Justice concerning any pending Justice Department investigation or criminal or civil case will be made only by the White House Counsel's Office and only with the Attorney General, the Deputy Attorney General, or the Associate Attorney General. That policy has continually been reaffirmed by the White House.

The Attorney General has expressed the desire that in the future, even with regard to matters of internal White House security, to avoid any possible appearance of impropriety, the White House should inform the Office of the Attorney General, the Deputy Attorney General, or the Associate Attorney General before contacting the FBI. Since the White House shares the Attorney General's desire to avoid any such appearance of impropriety, it has assured the Attorney General that such contacts with the FBI in the future respecting matters of internal White House security will be made initially through the Justice Department, as she requested.

There is nothing more important to this Administration than to preserve the integrity and the appearance of integrity of the Justice Department and the Federal Bureau of Investigation.

The Attorney General has reviewed this statement and is in full accord with it.

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
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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*

June 13, 1996

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

Dear Mr. Panetta:

I have several questions concerning the White House's acquisition of various FBI files, such as those of Billy Dale, as well as at least 330 other individuals, including persons who worked at the White House under Republican Administrations who no longer had access to the White House. I would appreciate your prompt response to these questions:

1. Please list the names and titles of those persons who had the authority, in December 1993, to send a memorandum under Bernard Nussbaum's name to the FBI requesting the FBI to send its background files to the White House.
2. Please provide a copy of the December 20, 1993 memorandum on White House stationary to the FBI requesting background files on Mr. Billy Dale.
3.
 - A. Who caused this memorandum to be sent to the FBI and for what purpose(s)?
 - B. Did anyone direct, request, or otherwise cause such individual to send the memorandum to the FBI, and if so, please identify any such person by name and title.
 - C. Who is the person referenced in paragraph 4 of the June 9, 1996 declaration of Anthony Marceca (enclosed)?
4.
 - A. When were the FBI files on Mr. Dale received by the White House?
 - B. Who at the White House received the FBI files on Mr. Dale?
 - C. Where have the FBI files on Mr. Dale been stored since their arrival at the White House?
 - D. Who had access to the FBI files on Mr. Dale at the White House since their arrival at the White House?

05-15-96 THE 11-15 FAX 2022281115 SENATE JUDICIARY 003

The Honorable Leon Panetta
June 13, 1996
Page 2

- E. Did everyone who had access to the FBI files on Mr. Dale have to "sign out" the files when viewing them?
- F. Did anyone at the White House review the FBI files on Mr. Dale, and, if so, please identify any such person by name and title.
- G. Did any such person provide information from these files to other persons, and, if so, please identify any such other person by name and title.
5. A. Please identify by name and title any person(s) who directed the initiation of "Project Update," referenced in paragraph 3 of the June 9, 1996, declaration of Anthony Marceca, and identify by name and title all persons who participated in "Project Update."
- B. Did Mr. Marceca request files from the FBI on individuals not included in "Project Update?"
6. In updating security files at the White House for purposes of continuing to grant access to the White House, is it routine for the White House to request all of the FBI files on each individual, regardless of how far back in time the date of the file?
7. With respect to the requests for the FBI files for at least 330 individuals based on, according to news accounts, outdated lists of White House pass holders provided by the Secret Service:
- A. Please provide a copy of the lists upon which these request were made.
- B. Please identify by name and title the person or persons who sent the requests for FBI files, based on these lists, from the White House to the FBI.
- C. Please identify by name and title those persons in the chain of custody who provided the lists to the person(s) who sent the requests for files to the FBI.
- D. Please identify by name and title anyone who reviewed any of these FBI files after their delivery to the White House, and the date of such

The Honorable Leon Panetta
June 13, 1996
Page 3

review.

E. Please identify by name and title anyone who was provided information based on any of these FBI files, and the name and title of anyone who provided such information to such individual(s).

F. Please identify by name and title the person(s) who discovered the error of relying on the lists from which these requests to the FBI were made.

G. On what date was the error of relying on these lists discovered?

H. Upon discovery of the error, what action(s) were taken and on what date(s)?

I. Upon discovery of the error, why weren't the files immediately returned to the FBI?

J. Please identify by name and title the individual who halted the requests for FBI background files based upon the list reportedly provided by the Secret Service.

7. A. Why did Ms. Beth Nolan, of the White House Counsel's office, send a memorandum dated August 19, 1993 to the Department of Justice inquiring as to whether the White House Counsel could release information from FBI background checks on the seven White House Travel office employees fired on May 19, 1993?

B. Did the White House receive any oral or written response to this memorandum? If so, please identify by name and title anyone who provided such a response, the date of such response, and any written record of such response.

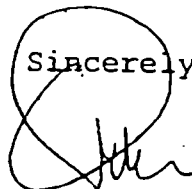
C. Was any information from FBI files on these seven employees disseminated by anyone in the White House?

8. Has the White House requested FBI files on any member of Congress or any person employed by Congress, other than in connection with an employment related security clearance check or a background review for purposes of possible employment within the Executive Branch, or appointment to the Judicial Branch?

The Honorable Leon Panetta
June 13, 1996
Page 4

9. Please provide a copy of all White House Counsel policies or guidelines on contacts between the White House and the FBI.

Sincerely,

A handwritten signature in black ink, appearing to be "Orrin", written over a circular scribble.

Orrin G. Hatch
Chairman

OGH:mda

THE WHITE HOUSE
WASHINGTON

July 9, 1996

BY HAND

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

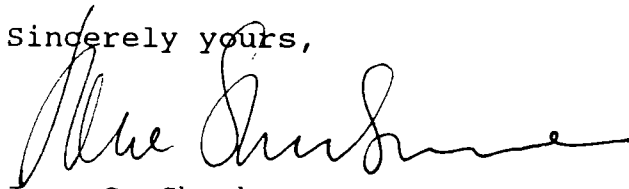
Dear Chairman Hatch:

This letter responds in part to your letter of July 3, 1996 to Leon Panetta.

Enclosed are documents responsive to your requests, bearing the Bates stamp numbers CGE 46136-46237, 47835-48077, 48079-48125, 48128-48218, 48220-48228. The personnel documents relating to Craig Livingstone specifically requested by Mr. Manus Cooney yesterday are included in this production.

We have arranged to meet with Mr. Cooney and minority staff tomorrow to discuss an orderly way to provide you with the remaining information you need for your inquiry. At that time, we would like to review the Committee's protocols for handling White House records. Until we have confirmed such arrangements, we ask that you treat the material we are providing as "Committee Confidential."

Sincerely yours,



Jane C. Sherburne
Special Counsel to the President

Enclosures

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

RESPONSES OF CHARLES EASLEY TO QUESTIONS FROM CHAIRMAN
ORRIN G. HATCH SENATE JUDICIARY COMMITTEE REGARDING
JUNE 28, 1996 HEARING ON THE WHITE HOUSE ACCESS TO FBI FILES.

Questions to Mr. Charles Easley

1. As a Security Officer of the Executive Office of the President did you ever attend meetings or discussions at the White House regarding the Clinton Administration's issuance of White House passes or security clearances? If so, please give the approximate dates, identify those persons with whom you spoke and the substance of these conversations or contacts.

Response:

I understand the term "security clearance" to refer to the process of allowing individuals access to information classified for national security purposes, based on a "need to know" basis. As part of my duties, I address issues involving security clearances and passes on a daily basis.

There were also meetings during the period of March to May, 1994 concerning some White House personnel who had not yet received permanent passes, at which the issue of security clearances was discussed. Those attending from time to time included: David Watkins, Patsy Thomasson, John Cressman, Mark Gearan, Dee Dee Myers, Paul Toback, Chris Cerf and Jim Wolf. Before October, 1995, I did not have any role in the issuance of security clearances for White House personnel and, therefore, do not have knowledge of meetings.

2. Did you ever have discussions with the Secret Service regarding the issuances of White House passes or security clearances during the Clinton Administration? If so, please give the approximate dates, identify those persons with whom you spoke and the substance of these conversations or contacts.

Response:

My duties require me to address these issues on a daily basis. I have had discussions with Secret Service about the issuance of many White House passes. We did not discuss security clearances. The Secret Service agents with whom pass issues were discussed included Arnold Cole, Jeff Undercoffer, Paul Kelly, Tom Farrell, David Carpenter, Jeanie Mitchell and additional persons whose names I do not remember.

3. Did you ever have discussions with the FBI regarding the issuances of White House passes or security clearances during the Clinton Administration? If so, please give the approximate

could be considered sensitive or confidential. They then sign these forms.

8. Please refer to page five of your Judiciary Committee interview, who did you meet with concerning general management procedure in your office in an effort to straighten out the Office of Personnel Security problems?

(a) When did this meeting occur?

Response:

(a) Meetings occurred on March 15, 17, April 7, and May 18, 1994 although there may have been additional meetings. Present at the meetings were: David Watkins, John Cressman, Patsy Thomasson, Mark Gearan, Dee Dee Myers, Paul Toback, Chris Cerf and Craig Livingstone. All these individuals were not present at each meeting. Rather, this list is my best recollection of persons who were present at any of these meetings.

(b) What was the substance of these conversations and/or contacts?

Response:

(b) We discussed gathering of information to respond to a GAO audit regarding the issuance of White House passes. A staff memo had recently been issued that established deadlines for when security forms needed to be completed for the start of the process to receive a permanent White House pass. I suggested that I work directly with the FBI on the background investigations in order to expedite the process of granting passes for the White House complex. We also discussed the need for formal security clearance procedures for the White House staff.

9. On page five of your Judiciary Committee interview, you stated that procedures were changed and you started issuing permanent passes to White House employees.

(a) Please explain the procedures which were in place prior to this change, and how long these procedures had existed.

Response:

(a) After I received a request for a pass, I notified Director of the Office of Personnel Security, that, in turn, requested that the FBI perform the background investigation. Upon completion, the FBI transmitted the background investigation

to an Associate White House Counsel who, in turn, returned it to Office of Personnel Security. It was then sent it to me. These procedures had been in place since I joined the EOP in October, 1986 except in prior Administrations, the background investigations were sent directly to the Office of Personnel Security.

(b) Please explain the new procedure which was implemented.

Response:

(b) The major change in procedure was the decision for me to deal directly with the FBI concerning background investigations and, shortly thereafter, directly with the Secret Service on permanent passes for those agencies whose personnel security matters were my responsibility.

(c) Explain your duties and responsibilities under this new procedure.

Response:

(c) Under the new procedures, for those agencies within my responsibilities, I would communicate directly with the Secret Service about the issuance of a permanent White House passes or with the FBI which, after completion of the background investigation, would provide the results directly to me.

10. During your Judiciary Committee interview, you indicated your office receives a monthly Secret Service list.

(a) Have all the lists that your office received from the Secret Service been lists of active pass holders only?

Response:

(a) Yes. I received, on a monthly basis, a list of persons with temporary passes and the expiration dates. Also, when requested by me, I would receive the listing of permanent passholders. Otherwise, this list would be provided approximately every 3-4 months.

(b) Has your office ever received a list from the Secret Service which included active and inactive pass holders -- which was designated by an "a" and "i" next to the individual's name?

Response:

(b) No. As I have stated during my deposition, I have not seen a Secret Service list that included active and inactive passholders with identification marks.

11. Does your office have any role or responsibility to advise the Secret Service of employees who no longer require access to the White House?

Response:

Yes. I would notify the Secret Service for persons who no longer required access to the White House complex or verify that a check out sheet had been signed by the Secret Service.

12. During your staff interview, you stated there is a surf database, security database and bunny database. Please describe each database in terms of what information is stored in the database and the office that oversees the operation of the database. Indicate the date of formulation or creation of the database, operational date, if you know, and the persons involved in the creation of each database for persons who are currently working at the White House complex.

Response:

The security database is a tracking system that is used for among other items, to list: (1) dates for granting security clearances; (2) dates when a background investigation needs to be "up-dated"; (3) the pending background investigations; and (4) the security clearances by agency and the level of security. Among other information, these databases include the date of the issuance and expiration of any temporary passes along with confirmation of a name check and IRS check. Entry of this information is made when the individual started work. The WAVES database is maintained by the Secret Service and reflects entry and exit from the White House complex, lists temporary and permanent passholders, appointments and White House access lists. The "bunny database" (EOP directory) is a combination of these and other different databases. I do not know the term "surf database". The reference on page 16, line 23 of my deposition is a transcription error. My statement was "[t]here are several databases."

13. Were you involved in the creation of a special database for the General Accounting Office review of the White House Office of Personnel Security and Security Clearances? If so, explain your involvement in this matter.

Response:

I was not involved in the creation of a special database for the General Accounting Office review of the White House Personnel Security and Security Clearances. To the best of my knowledge, a special database was not created for the General Accounting Office. I am aware that a "spreadsheet" was generated for employees at the White House complex, who began work after January 30, 1993, including at least persons at the Office of Administration, Office of National Drug Control & Policy, Office of Technology and Science, Council of Economic Advisors, and Council of Environmental Quality and contractors for these agencies.

14. Did you participate in any meetings with the Secret Service concerning problems with FBI background investigation of potential Clinton Administration personnel? Please provide details without identifying any employees name. Give the approximate date of each such meeting or conversation, the location of each meeting and with whom you spoke.

Response:

Before June 19, 1996, I met, on many occasions, with the Secret Service concerning the FBI background investigations of employees for whom I served as a security officer. Among the Secret Service agents with whom I met were Arnold Cole, David Carpenter, Tom Farrell, Jeff Undercoffer and others. Usually, the meetings were in Mr. Cole's or Mr. Farrell's office. The topic was eligibility issues for permanent passes to employees of the agencies for which I served as a security officer.

15. During the Clinton Administration, the Secret Service was required to initiate a permanent pass change.

(a) Do you recall when the permanent pass change was initiated?

Response:

(a) Changes to passes began on January 20, 1993.

(b) Were all permanent White House pass holders asked to turn in their old pass and were they given new passes that were color coded differently?

Response:

(b) Yes. White House pass holders, who were "hold over employees" from prior Administrations, were given nine months to

comply with the change in procedures and new color coded passes were issued.

16. Were you surprised to learn that the White House Office of Personnel Security had used interns or volunteers in that office even though sensitive FBI background material was routed and stored in that office?

Response:

While I was aware that interns were used in the Office of Personnel Security, I was concerned that persons without security clearances were allowed in that area. I was told that they received instructions about the confidentiality and restrictions on disclosure of sensitive information.

17. Does your office use interns or volunteers? If so, explain their duties and the safeguards employed to ensure that these individuals did not have access to sensitive, confidential or classified material?

Response:

No.

18. On page 31 of your Judiciary Committee interview, you stated that six months into the Clinton Administration, a system was set up where your office dealt directly with the FBI.

(a) What led to this system being set up?

Response:

(a) The reason for the new procedures, which began in Spring 1994, was to reduce the number of cases reviewed by Office of Personnel Security, whose director was Craig Livingstone, and to expedite cases so that I could comply with the new requirement and law concerning the completion of all background investigations.

(b) Who did you have discussions with at (i) the White House (ii) FBI (iii) Secret Service regarding this change?

Response:

(b) I did not have any conversations with the Secret Service or the FBI. At the White House, I spoke with Craig Livingstone, Patsy Thomasson, David Watkins, and Bill Kennedy among others.

(c) Did the White House and/or your office enter into any agreement with the FBI prior to the initiation of this new system?

Response:

(c) No. Craig Livingstone did send a letter to the FBI explaining that I would be dealing directly with the FBI on background investigations.

(d) Please describe the process by which your office receives FBI files.

Response:

The FBI would send files by courier directly to my office.

19. Please describe the occasion and circumstances in which you met Mr. Marceca.

Response:

I met Mr. Marceca in Mr. Livingstone's office shortly after Mr. Marceca started work in 1993. Craig Livingstone introduced him to me.

20. Mr. Marceca's detail in the White House Office of Personnel Security ended in February 1994. Do you recall seeing Mr. Marceca at the White House after February 1994?

Response:

No.

(a) Did you see him often after February 1994? Please give an approximate number of times you saw him.

Response:

(a) No, I did not see him after February 1994.

(b) To your knowledge, after Mr. Marceca's detail ended in February 1994, did Mr. Marceca check out of your office turning in his badge?

Response:

(b) Mr. Marceca was detailed to the White House and would not have checked out through my office.

(c) To your knowledge, was Mr. Marceca allowed to retain his White House pass after February 1994?

Response:

(c) Mr. Marceca retained a volunteer pass. At the request of the White House Personnel Security office, the Secret Service deactivated Mr. Marceca's volunteer pass on May 17, 1995.

(d) To your knowledge, was Mr. Marceca listed as a White House volunteer after his detail ended in February 1994?

Response:

(d) Yes. He was placed on the White House volunteer access list until June 21, 1996 when I had his name removed.

21. Did Mr. Marceca ever discuss with you his desire for an appointment as a United States Marshal or Inspector General?

Response:

No.

22. On page 32 of your Judiciary Committee interview, you stated that you discussed with Mr. Livingstone on one occasion the problems with the Secret Service lists.

(a) When did this conversation occur?

Response:

(a) This discussion occurred in early 1994 after Mr. Marceca left.

(b) Where did this conversation take place? Was it a phone call?

Response:

(b) We met in Room 84 of the Old Executive Office Building.

(c) Identify all persons who were present at the discussion.

Response:

(c) In addition to Mr. Livingstone and me, Mari Anderson may have been present.

(d) Did Mr. Livingstone indicate to you that all lists his office had received from the Secret Service had been active pass holder lists?

Response:

(d) No. Mr. Livingstone was sitting with a WAVES print out. He complained that the list contained numerous persons who were inactive and he was lining out the names of the passholders who should have been removed.

(e) Did Mr. Livingstone indicate any knowledge as to the actual list(s) that Mr. Marceca used to request the FBI background files in question?

Response:

(e) No.

(f) Did you advise Mr. Livingstone that your belief or experience had been that the Secret Service lists had contain errors in the past?

Response:

(e) Yes.

23. On page 34 of your Judiciary Committee interview, you stated that the White House Counsel's Office previously had the responsibility for decisions as to suitability in whether or not a permanent pass would be issued.

(a) When did this procedure change?

Response:

(a) To clarify my testimony, beginning on June 19, 1996, I have worked with White House Counsel to decide the suitability of an individual for employment and whether to send a request for a permanent White House pass to the Secret Service. That process has not changed.

(b) What is the current procedure for the determination of suitability?

Response:

(b) The determination of suitability is made by me in coordination with agency counsel according to the OPM adjudication standards. I receive a background investigation directly from the FBI. If no issues are raised in the background

investigation, then I send the request to the Secret Service for a permanent pass. If there are any issues raised concerning suitability, I confer with counsel for the agency where the person is working and then together we adjudicate any issues. Therefore, White House Counsel is involved for any persons who work at the White House Office.

(c) Currently, who has the authority to determine suitability?

Response:

(c) I currently have the authority along with the counsel for the agency, if there are any questions about suitability for employment.

24. What role does Jodie Torkelson, Assistant to the President for Management and Administration play in White House pass approval?

Response:

Jodie Torkelson makes the final management decision on whether an individual requires a White House or other pass in order to fulfill his/her duties. That decision forms, in part, the basis for any pass request to the Secret Service.

25. On page 35 of your Judiciary Committee interview, you stated that in October of 1995, the Clinton Administration changed the process wherein security clearances were granted and you were given the responsibility or authority to grant security clearances.

(a) What led to this change?

Response:

(a) The new Executive Order 12968 identified the White House as an entity that was required formally to grant security clearances. After meeting with White House counsel and others, we agreed that formal procedures for the issuance of security clearances should be instituted.

(b) Please describe the review process and criteria used by your office in making a determination to grant a security clearance.

Response:

(b) Similar eligibility criteria used in determining eligibility for a permanent White House pass are also applied to those individuals who have been identified as requiring security clearances. We would require individuals to sign a standard form 312 concerning non-disclosure and watch a brief instruction video on handling and processing of classified information.

26. Please provide a Standard Form 312 for the record.

Response:

A copy is attached as Exhibit A.

27. Please provide the dates on which the following individuals from the White House Office of Personnel Security received their security clearances.

Consistent with the practice of prior Administrations, the persons listed below had received a permanent White House pass which was the equivalent of a Top Secret security clearance, based on a "need to know" basis. Craig Livingstone received a temporary a SCI clearance in May, 1993 before his permanent pass was issued. See Response 25(b). Following the issuance of Executive Order 12968, formal security clearances were issued as indicated below.

(a) Craig Livingstone -- 12/14/95

(b) Mari Anderson -- Left before effective date of granting formal security clearances to White House staff.

(c) Lisa Wetzl -- Left before effective date of granting formal security clearances to White House staff.

(d) Edward Hughes -- 12/7/95

(e) Jonathan Denbo -- 12/8/95

If your office records indicate that any of these individuals had previously been granted a top secret clearance by any other office or law enforcement agency, please indicate the dates and previous clearance level granted for each person.

Response:

My office does receive records of other security clearances. Further, I am aware that Craig Livingstone received SCI Clearance from the CIA in May, 1993. The other persons listed in Response 27 also had SCI Clearance.

RESPONSES OF CHARLES EASLEY TO WRITTEN QUESTIONS FROM
SENATOR JOSEPH R. BIDEN, JR. RANKING MINORITY MEMBER
OF THE SENATE JUDICIARY COMMITTEE REGARDING
THE JUNE 28 HEARING REGARDING FBI FILES

Questions for Mr. Easley

1. At the hearing on June 28, 1996, a letter was read into the record from Mr. Philip Larsen responding to your testimony concerning Mr. Larsen's visit to the White House many years after he was no longer employed there. What is your response, if any, to this letter?

Response:

I worked for Philip Larsen. We talked many times about the Secret Service list. Philip Larsen was concerned that the print out had inactive names on it and that the Secret Service was not removing such names. I believe that is the reason that he told me the story about returning to work after many years and learning that his name was still on the active employee list according to the Secret Service officer on duty at the front desk.

2. Please describe any other instances with which you are familiar where individuals who no longer worked at the White House were listed as "active" on the Secret Service's list of passholders.

Response:

While there were many other names, some examples that I recall are Paul Bateman and James Baker. I also recall going to Craig Livingstone's office where I saw him crossing names off a WAVES center list. He told me that there were many names on the list even though the persons had left the White House.

draft

RESOLUTION

Be it resolved that, pursuant to its authority under Rule 26 of the Standing Rules of the Senate, the Senate Committee on the Judiciary hereby authorizes its Chairman to issue to Anthony B. Marceca of Odenton, Maryland the subpoena attached as Exhibit 1 to this resolution, which commands Mr. Marceca to appear before the Committee to testify to what he may know relative to matters under Committee consideration and to produce certain documents within his possession, custody, or control.

Attachment 1

UNITED STATES OF AMERICA
Congress of the United States

draft

To Anthony B. Marceca

522 Camelot Court

Odenton, MD 21113, Greeting:

Pursuant to lawful authority, YOU ARE HEREBY COMMANDED to
appear before the _____ Committee on the Judiciary
of the Senate of the United States, on Thursday July 18, 1996,
at 10:00 o'clock a.m., at their committee room SD-226

_____, then and there
to ~~testify what you may know relative to the subject matters under consideration~~
~~by said committee~~

produce the documents described in attachment A

Heretof fail not, as you will answer your default under the pains and pen-
alties in such cases made and provided.

To any agent of the United States Senate
to serve and return.

Given under my hand, by order of the committee, this
18th day of July, in the year of our
Lord one thousand nine hundred and ninety-six.

Chairman, Committee on the Judiciary

Attachment A

All documents, and all computer disks containing documents, regardless of format, including but not limited to, e-mail, electronic files, electronic backup and dump files, memoranda, correspondence, notes, records, reports, files, any material in any other medium, including drafts of the foregoing, that refer, reflect, or relate in any manner to the following:

- (1) the White House Personnel Security Office's "Project Update" or "Update Project;"
- (2) the White House Personnel Security Office's procedures for requesting, reviewing, maintaining, and safekeeping of background files;
- (3) access to the White House Personnel Security Office;
- (4) meetings between any member of the White House Personnel Security Office and members of the White House Counsel's Office, the Office of the Chief of Staff, the Office of the Counselor to the President, the Office of the First Lady, the Office of Administration and Management, the Office of the Vice President, the Office of Presidential Personnel, or any other component of the Executive Office of the President;
- (5) communications to or from the White House Personnel Security Office;
- (6) FBI, IRS, or other investigations, documents, files, records, or other material or information on or pertaining to any current or former employees of officials of the Executive Branch;
- (7) seeking or securing employment, a Presidential nomination or appointment, or detail in the Executive Branch since November 1, 1992;
- (8) work performed, or communications to or from, any political party, party officer, political campaign, or political organization since January 1, 1992; and
- (9) all records relating to any criminal complaints or charges against Mr. Marceca at any time.

THE WHITE HOUSE
WASHINGTON

FBI Files /
Hatch Conn.

January 27, 1997

BY HAND DELIVERY

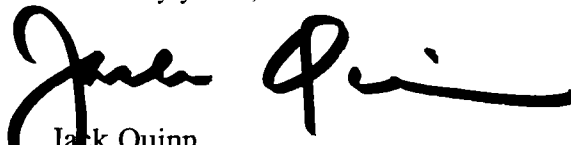
The Honorable Orrin G. Hatch
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Chairman Hatch:

I write to follow up on my letter of January 7, 1997, regarding the security tracking system database. You asked us to identify records deleted from the security tracking system database since May 1, 1996. As promised in my January 7 letter, we explored whether we could use our computer system to compare security tracking system data stored on backup tapes with current data to determine what records, if any, have been deleted. This proved infeasible. Instead, we have printed out and are providing (S 22407-22641) a list of all entries in the security tracking system as of March 22, 1996, which is the latest date before May 1, 1996, for which we have backup data. We have already produced a similar list of entries in the system as of October 1996. Your staff can compare the two lists to determine which, if any, records were deleted between March 22, 1996, and October 1996.

We understand that the enclosed documents will be treated in accordance with the Protocol transmitted with Mark Disler's August 26, 1996, letter to Jane Sherburne. Please give me a call if you have any questions.

Sincerely yours,


Jack Quinn
Counsel to the President

Enclosures

cc: Honorable Joseph R. Biden, Jr.
Honorable Patrick Leahy

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

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

July 3, 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 conducting an investigation concerning the improper request by the White House for the FBI background files of more than 400 individuals who no longer worked at the White House. As part of that investigation, and in order to prepare for additional public hearings, we are requesting that present and former White House personnel, as specified below, produce documents and records to this Committee.

The White House may have custody, control, or possession of records, including documents or records of present and former White House personnel, that relate to the FBI files controversy. Our request embraces these documents and other records, within the custody or control of the White House including the Office of Records Management, relating to those matters.

On June 13, I sent you a letter asking a series of questions about the White House's improper acquisition of FBI background files of individuals from prior administrations. On June 19, Counsel to the President Jack Quinn responded on your behalf that in deference to the Independent Counsel, you had not conducted a search for material that would allow you to respond fully to these questions, but that you would provide the information you had available. I believe that providing the Committee with the documents I am requesting is consistent with Mr. Quinn's representations in his June 19, 1996 letter.

Accordingly, please provide all documents, regardless of format, including, but not limited to, e-mail, electronic "dump files," memorandum, correspondence, notes, and material in any other medium, including drafts of the foregoing, that relate in any manner to the following: (1) the White House Personnel Security Office's "Project Update"; (2) the White House Personnel Security Office's procedures for requesting, reviewing, maintaining, and safekeeping F.B.I. background information files; (3) the staffing of the White House Personnel Security Office; (4) access to and the operation of the White House Personnel Security Office; (5) meetings between any member of the White House Personnel Security

Office and members of the White House Counsel's Office, the Office of the White House Chief of Staff, the Office of the Counselor to the President, the Office of the First Lady, and the Office of Presidential Personnel; (6) visitors to any member of the White House Personnel Security Office; (7) communications to or from the White House Personnel Security Office; (8) reprimands or disciplinary action taken regarding members of the White House Personnel Security Office or the White House Counsel's Office concerning F.B.I. files and confidential background information; and (9) all individuals serving in the White House who were authorized to review F.B.I. files.

The relevant time period for this request is from January 20, 1993, to the present.

Your response should include, but not be limited to, the following:

(A) A listing of all persons who served in the White House Counsel's Office from January 20, 1993, to the present. Please include the individuals' titles and dates of service. Please identify all individuals who served in the Personnel Security Office or provide a separate list of those individuals. Please include, or list separately, all volunteers, interns, or other unpaid staff who worked in the White House Counsel's Office or the Personnel Security Office from January 20, 1993, to the present. Please include the salaries of all persons who served in the Personnel Security Office during this time.

(B) A listing of all persons in the White House Counsel's Office or any other White House office who had the authority to review F.B.I. background files from January 20, 1993, to the present.

(C) The dates when all individuals serving in the White House Personnel Security Office -- including, but not limited to, Mr. Craig Livingstone and Mr. Anthony Marceca -- obtained their security clearance, the level of clearance, the name of the individuals or individuals who conducted their background investigations.

X(D) All memos to and/or from Craig Livingstone, Anthony Marceca, William Kennedy, Bernard Nussbaum, Bruce Lindsey, Vincent Foster, Joel Klein, Lloyd Cutler, Abner Mikva, John Quinn, Jane Sherburne, Beth Nolan, Christine Varney, Steve Neuwirth, Cheryl Mills, Cliff Mauton, Christopher Cerf, Tray Schraeder, Ed Hughes, Jonathan Denbo, Mari Anderson, Lisa Wetzel, Mack McLarty, Patsy Thomasson, and David Watkins regarding the following subjects:

- (i) updating White House passes
- (ii) security clearances
- (iii) FBI background files or FBI background investigations
- (iv) operation of the White House Personnel Security Office
- (v) Craig Livingstone
- (vi) Anthony Marceca
- (vii) replacing personnel files removed by the Bush Administration
- (viii) project update

COPIES
For Miriam
from
Ches. / Richard

(E) All records of Craig Livingstone's entrances and exists to the White House complex from May 1, 1996, to June 20, 1996.

(F) Any records of every occasion on which Craig Livingstone and Mr. Anthony Marceca have been in the White House from January 20, 1993, to the present.

(G) All records of visitors to the White House to see Craig Livingstone or Anthony Marceca from January 20, 1993, to the present.

(H) All records of phone logs or messages for Craig Livingstone or Anthony Marceca from January 20, 1993, to the present. Please provide any calendars and another other documents reflecting any meetings in which Mr. Livingstone and/or Mr. Marceca participated.

X (I) All information on who hired Mr. Craig Livingstone. Please name all individuals who made recommendations or who approved Livingstone's employment in the Personnel Security Office.

(i) Please provide all information on who requested Mr. Anthony Marceca to be detailed at the White House in 1993.

(ii) Please provide the dates of Mr. Anthony Marceca's detail in the White House Office of Personnel Security.

(iii) Please provide the dates of any other position(s) Mr. Marceca held with the White House prior to or following his detail in the White House Office of Personnel Security.

(J) Please provide a copy of any Memorandum of Understanding between the White House or the Clinton/Gore transition team and the FBI and/or the Justice Department regarding FBI background reports. We have

(K) Please identify all persons who assisted in compiling and/or typing the alphabetical list of names of the 333 persons whose files were improperly requested and received by the White House. Please indicate the location of the original and when it was compiled.

(L) Please provide any documents relating to the discovery, archiving, or storage of the 333 improperly obtained FBI files since 1993. Please indicate when the files were sent or transferred to the White House Office of Records Management for storage, and if the files were then transferred to the United States Archives, and who approved the transfers. Please indicate when any of these documents were retrieved from the White House Office of Records Management or the Archives, who retrieved these files, and the purpose of the retrieval.

(i) Please provide all documents relating to the storage of all material from the White House Office of Personnel Security with the White House Office of Records Management.

(ii) Please indicate the dates on which this material was stored and the location(s) of these stored materials.

(iii) Please identify the dates on which additional storage containers and/or storage areas added to the White House Office of Personnel Security.

(M) Please provide any logs, check-out sheets or other similar documents maintained for all FBI background files stored in the White House Personnel Security office since January 20, 1993.

(N) Please provide any documents describing how the White House determined that the first 333 files, and then the 138 files returned to the F.B.I. later, were improperly requested. If no such document(s) exists, please provide a written description of the process by which the White House determined that these files were improperly requested.

(O) Please advise whether Mr. Livingstone's or Mr. Marceca's attorneys are being paid by the United States, and if so, under what authority. Please advise whether any commitment has been made to reimburse Mr. Livingstone or Mr. Marceca for their attorney's fees, and if so, who made that commitment and under what authority it was made. Please provide any documents relating to this matter.

(P) Please provide a copy of the "Personal Data Statement Questionnaire" that, according to the June 20, 1996, *Washington Times*, was distributed to the 1993 career White House employees. Please indicate the date(s) on which these questionnaires were distributed. Please provide the list of all holdover employees to whom these questionnaires were distributed. Please describe how that list was compiled at the time of the distribution of the forms. Please provide any other documents relating to the distribution of this questionnaire, other than the individual employee's responses.

? , X (Q) Please provide any documents relating to President Clinton's assertion of executive privilege cited on May 10, 1996, as the basis for Mr. Quinn and Mr. Watkins' non-compliance with the subpoena issued by the U.S. House Committee on Governmental Reform and Oversight. Please provide any documents created before, contemporaneously with, or after that assertion of privilege regarding Billy Dale's FBI file or the request form for that file. Please provide any documents discussing or analyzing whether executive privilege could be asserted with respect to Billy Dale's FBI file or to the request for that file. If no documents exist, please describe any review conducted concerning the assertion of privilege over Mr. Dale's file or the request form for that file, who conducted the review, and to whom the review was provided. 18

? , X (R) Please provide all documents relating to President Clinton's revised claim of executive privilege on or about May 30, 1996 permitting the release of 1000 pages of documents, but requiring the withholding of 2000 pages of documents from the U.S. House Committee on Government Reform and Oversight.

have purposed to respond fully

Ice that

(S) Additionally, a June 26, 1996 Washington Times article entitled, "Security System Computerizes Personal Data," which alleges that the White House has a secret computer system that tracks detailed personal information on "tens of thousands of people." The article further alleges that in addition to storing information about family ties, political loyalties and whether people are "important" by region, city or state, the system has the capability of interfacing with the computers at the Democratic National Committee. If true, the use of taxpayer dollars for such political purposes may be in violation of 31 U.S.C. 1301.

Please provide the following information:

- (i) All records of or pertaining to the facilities management contract for the Office of Administration's Information Systems and Technology Division (awarded to PRC, Inc. and/or any subsequent vendors) from January 20, 1993 to the present;
- (ii) The name of the individual(s) who ran the facilities management contract for the Office of Administration's Information Systems and Technology Division (awarded to PRC, Inc. and/or any subsequent vendors) from January 20, 1993 to the present;
- (iii) All records of procurement under the facilities management contract for the Office of Administration's Information Systems and Technology Division (awarded to PRC, Inc. and/or any subsequent vendors) from January 20, 1993 to the present, including, but not limited to, all sub-contracts under that contract;
- (iv) Any and all information provided by the Democratic National Committee that was entered into the database;
- (v) Identify by name and title the political appointees who oversaw the creation and implementation of the database;
- (vi) Identify by name and title the individuals who had access to the database;
- (vii) Identify by address and room number the locations of the special remote computers that could access the database;
- (viii) Provide a list of the fields in which information was input into the database; and,
- (ix) Provide schematics, flowcharts, guidelines and codes on how to operate the database system.

Another purpose of this letter is to direct to your attention one particular request in my letter to you dated June 13, 1996, that was not answered and urge you to have it addressed immediately. Question 7A of the June 13 letter asked for "a copy of the lists upon which these request[s] [for FBI files] were made." In light of reports that the list may have been destroyed, I ask that you immediately search for and provide to the Committee a copy of any such lists as soon as possible, even if your response to this particular inquiry precedes your reply to other requests contained in this letter.

Committee staff have contacted the Independent Counsel to ensure that this request will not impede the Independent Counsel's investigation. The Independent Counsel has informed us that it will communicate with the White House directly as to any concerns regarding the timing or the terms of this document request. If the White House intends to refuse to comply with certain production requests in this letter based on concerns about the Independent Counsel's investigation, we expect you to identify the specific objections raised by the Independent Counsel as to specific requests in this letter.

Please indicate where, including from which White House Office, and from whom each of those responsive documents was obtained. It would also be helpful if you provided a list of materials that you are submitting so that the Committee and your office will have a common list of records supplied by the White House.

If the White House decides to withhold any documents, please provide a log identifying each such document, the date, author(s), recipient(s), the subject matter of any such documents, and the basis on which the document is not being provided. The Committee's staff is available to meet with you and your staff to expedite your response to this request and to answer any questions. If you are aware that any document responsive to any request contained in this letter has been destroyed, please identify any such document and the circumstances of its destruction including the names of those who destroyed it and the date of such destruction.

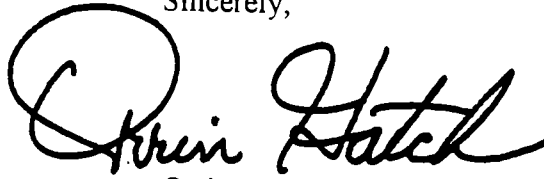
The materials should be delivered to Anna Cabral, Chief Clerk, 224 Dirksen Senate Office Building. You may submit copies in response to this request so long as they are identified as such, but the Committee reserves the right to obtain the originals. If a document exists in multiple copies in different locations, please provide a copy from each location. As you know, the Committee is seeking to complete its work as expeditiously as possible. Therefore, it is necessary that the Committee receive these documents no later than July 12, 1996.

This request is an initial request and may be supplemented by additional ones. We

recognize that you may wish to designate a White House official who will be responsible for responding to this request.

Your cooperation with this matter is greatly appreciated.

Sincerely,

A handwritten signature in black ink, reading "Orrin Hatch". The signature is fluid and cursive, with a large initial "O" and "H".

Orrin G. Hatch
Chairman

cc. ✓ The Honorable Jack Quinn, Counsel to the President
Mr. Terry Good, Director, White House Office of Records Management

OGH:mcr

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is unsigned
version

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