

FOIA MARKER

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Folder Title:

FBI [10]

Staff Office-Individual:

Counsel's Office-Sherburne, Jane

Original OA/ID Number:

CF 396

Row:	Section:	Shelf:	Position:	Stack:
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Pittsburgh Post-Gazette

from
Scoop

MAY 22, 1994, SUNDAY, FIVE STAR EDITION

SECTION: LIFESTYLE, Pg. H1

LENGTH: 1688 words

HEADLINE: FROM BEAVER COUNTY TO WHITE HOUSE: HE KEEPS OFFICIAL ACTIVITIES ON
EVEN KEEL

BYLINE: JANE CRAWFORD, POST-GAZETTE STAFF WRITER

DATELINE: WASHINGTON, D.C.

BODY:

They call him ''The Mayor of the White House.''

Craig Livingstone strolls from one corner of America's most famous residence to another, greeted with waves and ''hi's'' from staffers and security people. Every 10 minutes or so he stops -- sometimes in mid-sentence -- to respond to his beeper, usually beckoning him to put out one sort of fire or another as he carries out his duties as Director of Personnel Security at the White House.

The buzz word in his conversations is ''situation'' -- as in ''yesterday's situation,''' ''today's situation'' and ''the other situation.''

Following him around the White House is a lesson in navigation in exclusive waters. Keep your eyes and ears open, know when to keep your mouth closed, recognize the players, get the picture quickly, be nice and smile are the lessons learned early on.

Livingstone, a former Indiana University of Pennsylvania student and 1977 graduate of Beaver High School, is a member of the White House's ''second tier of staff'' as he puts it. Among his duties are doing background investigations on staffers and checking out those requesting press credentials, being the liaison with the Secret Service and the FBI on personnel security and helping stage events attended by President Clinton, such as the recent signing of the Middle East Peace Accord.

''Basically my job is to stay out of the way and be invisible. If I'm around, something's wrong.''

At only 35, he's a political veteran with major responsibilities and access to the power brokers in the White House. It's not unusual for him to confer with senior policy adviser George Stephanopoulos (''he's brilliant,''

Livingstone says), chief of staff Mack McLarty and other big guns from the president's inner circle. He sees the president almost daily and -- along with other staffers -- sits in on an occasional meeting with him.

Livingstone, who lives in suburban Maryland, leaves this week for London where he will do preliminary work in coordinating the June presidential visit to mark the 50th anniversary of D-Day. He oversaw the burial of Virginia Kelley,

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the president's mother, and was asked to coordinate the president's role at Richard Nixon's funeral, which he was unable to do because of a personal commitment elsewhere.

Stephanopoulos, who has worked with Livingstone since Clinton's presidential campaign, gives him high marks. "He does a terrific job. All I know is that anything that has anything to do with security or logistics -- Craig's going to take care of it. You don't have to tell him how to do it, when to do it. Just that it needs to be done, and he does it. And he knows how to cut through the bureaucracy and get things done."

There are sometimes problems attached to getting things done. Livingstone readily admits "we had been remiss in the quickness of getting people cleared" for some jobs, especially early on. He explains that the hiring and investigation process hit a lot of snags due to staff transition and unexpected kinks in the system.

This past March Livingstone's venue was Pittsburgh as a member of the team to plan the visit of Clinton and British Prime Minister John Major. Arriving days in advance he ensconced himself at the Tin Angel restaurant on Mount Washington where the leaders were to dine. Then the work began. Checking out exits and people, directing the installation of 17 phone lines, even opening stuck doors and later, checking to see that the bill for dinner had been paid (it had) were among his tasks.

"He and 15 people on the advance team showed up with business cards and credentials. Craig was real businesslike and pleasant but I wouldn't want to be on his bad side," said Maria Kyros, the restaurant's co-owner.

Kyros got a taste of Livingstone's access to the president when "one night at 11 o'clock his private phone rang. Only the president's office calls him on that phone and when it rang he said, 'that's the big guy' and left the room to take the call." It was the president's operator asking a question for Clinton.

In April, Livingstone was back in the area (his grandfather still lives in Ellwood City though his parents have moved to Maryland) to speak at an education conference at IUP. Not one to forget where he came from, he recently set up a White House internship program for an IUP student.

"He had a great deal of poise and was well-versed in terms of what's going on at the White House and administration policy," said Robert McGowan, acting associate dean, College of Fine Arts, at the college. He remembers Livingstone well and has kept in touch with him off and on over the years.

Teachers tend to recall the bright students but McGowan said Livingstone was "persistent, not intimidated by authority," as well as smart. "He had some sense of vision for himself and a passion for politics. So I wasn't surprised when he called me about six months ago about the intern program," McGowan said.

That passion has been simmering for years. "When I was 15 I said I wanted to work in the White House. People laughed but I developed strong political skills like getting people to work together who don't like each other but are exceptionally good at what they do."

As a student leader (national vice president of the U.S. Student Association)

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he went to Poland during the initial push for Solidarity and was invited to address students there and meet Lech Walesa.

Livingstone now has an office in the Old Executive Office Building across from the White House. But in his student days he was often on the other side of the fence -- literally -- carrying a picket sign. He did his share of demonstrating at the White House "many times" against President Reagan's financial aid policies, education issues and in support of organized labor.

His professional career in Democratic Party politics began when he worked on the personal staff of Geraldine Ferraro ("I took care of the bags") during her vice presidential campaign and on Gary Hart's staff during his presidential bids in 1984 and 1988. In addition to doing whatever was needed on campaign stops Livingstone said, "I always had a clean shirt or blouse for them. Every politician likes to get into a clean shirt. Those are the things they remember."

In between campaigns he held jobs as diverse as doing public relations for a casino in Atlantic City and the film "The Last Temptation of Christ," serving as assistant to Washington City Council member Charlene Jarvis and training Angolan guerrilla soliders in democratic politics in advance of an election there. He was also director of operations for the Democratic Convention in Atlanta in 1988.

Impressing the right people in the right way got Livingstone the job as director of security for Clinton's inaugural celebration. Al Gore had "known about me through the grapevine." Gore asked Livingstone to put together his announcement to run for the presidency in 1988. He was on Gore's advance team in 1992. And on solid ground with Clinton and Gore high-level staffers.

Livingstone's beeper was working overtime while on the job with former Arkansan/current Hollywood producer Harry Thomason during the inaugural festivities, and got his current job one week after the swearing in.

"He's very level-headed ... patient and professional. You need those attributes in a job like his. He's someone who excels when it's a crisis situation," said deputy press secretary Ginny Terzano.

Although there is not a crisis every day, one suspects Livingstone would like there to be one. In the meantime, he's popping in and out of the White House senior staff dining room ("the mess" as regulars call it), walking by the Oval Office, criss-crossing the Rose Garden and arranging special White House tours and other hard-to-get tickets for appreciative friends and acquaintances.

McGowan and his parents were the recipients of this generosity on a recent trip to Washington. They sat in the presidential box at the John F. Kennedy Memorial Center for Performing Arts, compliments of Livingstone. "My parents actually sat in president and Mrs. Clinton's seats," McGowan said. To say they were all thrilled is putting it mildly.

Also in the D.C. area, is Livingstone's brother, Steven, an engineer, a political appointee in the Department of Energy working on hazardous environment issues. He, like his parents, is a Republican.

Livingstone tries to squeeze in time for bicycling and going to movies -- his

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passion. And while he's winning friends and influencing people in the nation's capital, he's gearing up for another campaign -- to find someone in the girlfriend/ wife/mate/date category.

'I'm ready, it's my next project after I leave this job,' he said. Working 12 and 15 hours a day, six and seven days a week isn't the best arrangement for building a social life. 'I meet women just like me. They put themselves and their careers first, they're goal-oriented. Most of us are here because we believe in the president's agenda.'

That agenda is presently focused on dealing with the latest round of sexual misconduct charges not to mention Whitewater and cattle futures trading. Do these charges discourage Livingstone?

'I am a presidential staffer and I understand that role. I believe in the fundamental vision he has for America and there will always be distractions associated with any president. I see him daily and while I'm concerned about (the charges), I believe in the president 100 percent.'

Livingstone, having observed the president up close for more than two years, says Clinton 'is very focused, caring and impassioned. He has an amazing ability to remember people's names. You don't dare meet with him without being prepared because very often he'll know more about the subject than you.'

Livingstone knows he's existing in a unique environment that won't last forever. After this stint in Washington, he believes his next direction will be due west -- as a producer in Hollywood. If that happens, he'll no doubt arrive with enough experience to make a new niche for himself -- beeper required.

GRAPHIC: PHOTO (2), Craig Livingstone checks pager on South Lawn of White House/'... my job is to stay out of the way ... If I'm around, something's wrong.'

LOAD-DATE: September 15, 1994

C O P Y
from ORM

March 18, 1994

Margie Livingstone
20108 Sweet Meadow Ln.
Laytonsville, MD 20882

Dear Margie:

Thank you very much for the great Aveda products. It was very thoughtful of you and Craig to think of me and my staff. I am looking forward to sampling them when I get home. Thanks again for the thoughtful gesture.

Sincerely,

G. R. Syggs

George Stephanopoulos
Senior Advisor to the President
for Policy and Strategy

What a terrific
gift!
Thanks.

Dear George, Heather & Emily,
please accept our gift of Aveda
products. I read that you like
forming gel George, so I have
enclosed our largest size for you.

I hope you enjoy the other
products as well, especially the
candle - it's great on stressful days.
(Although you probably don't have many
of those do you?) HA!

Sincerely,
Majorie Kingstra
& Stefany Reed

Margie Livingstone
20108 Sweet Meadow Ln.
Laytonsville, MD 20882



U.S. Department of Justice

Federal Bureau of Investigation

Office of the Director

Washington, D.C. 20535

WHITE HOUSE
SECURITY OFFICE

May 25, 1994

MAY 31 1994

BY HAND

Mr. Craig Livingstone
Director
Office of White House Security
Room 84
Old Executive Office Building
Washington, D.C.

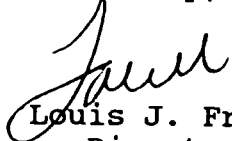
Dear Mr. Livingstone:

I am writing to request that you issue a permanent OGA White House pass to Howard M. Shapiro, General Counsel of the FBI. On most matters, Mr. Shapiro is the primary point of contact between the FBI and the White House, particularly the National Security Council. Increasingly, Mr. Shapiro's duties take him repeatedly to meetings in the OEOB and, occasionally, to the White House. Over the past month, for example, Mr. Shapiro travelled to no fewer than 14 meetings within the White House gates, including a meeting with the President. Mr. Shapiro meets regularly with NSC Senior Director George Tenet and his staff and with NSC Legal Advisor Alan Kreczko or Deputy Legal Advisor James Baker.

As with all FBI employees, Mr. Shapiro has a Top Secret clearance, and has undergone a full field background investigation within the past year.

I appreciate your assistance with this matter. Mr. Shapiro can be reached at 324-6829 if you require any additional information in considering and processing this request.

Sincerely,


Louis J. Freeh
Director

COPY

DATE: June 8, 1994

TO: TECHNICAL SECURITY DIVISION
U.S. SECRET SERVICE

SUBJECT: REQUEST FOR PASS

NAME: SHAPIRO, HOWARD M.
(LAST) (FIRST) (MIDDLE)

TITLE AND OFFICE: FBI Liaison Office

IMMEDIATE SUPERVISOR: Gary Aldridge

LOCATION (ROOM #): _____ TELE. EXT.: 62887

TYPE OF SECURITY CLEARANCE:

F.B.I. (a) Completed FBI Credentials
(b) Other _____
(c) Waived _____

TYPE OF PASS:

_____ Temporary Executive Office 30 Da. _____ 60 Da. _____ 90 Da. _____
_____ Permanent Executive Office
_____ Temporary White House 30 Da. _____ 60 Da. _____ 90 Da. _____
_____ Permanent White House
_____ XX Other: POGA

APPROVED BY: 
Craig Livingstone
Assistant to the Counsel
to the President
(Security)

2010-2011				2011-2012				2012-2013			
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#175160 cu

122 Maryland Avenue, NE Washington, D.C. 20002

(202) 544-1681 Fax (202) 546-0738

June 19, 1996

President Bill Clinton
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear President Clinton:

We are writing to express our profound concern over recent reports that the White House improperly obtained FBI files on over 400 individuals who once had White House passes and access to the White House in previous administrations. The circumstances under which this revelation has come to light are disconcerting.

According to reports, a White House employee sought and obtained these FBI files merely by completing a form and forwarding it to the FBI. FBI files on prominent members of the Republican Party, including Tony Blankley, press secretary for House Speaker Newt Gingrich, former Secretary of State James Baker, and former White House Chief of Staff Kenneth Duberstein, were reportedly obtained, as were files on hundreds of other former White House employees. We take very seriously -- as we are sure you do -- the possibility that the FBI, whether knowingly or unknowingly, was used by the White House to gather disparaging information about "enemies" of the President. We are also concerned about FBI practices and policies that facilitated compliance with requests for files on so many people who no longer had access to the White House.

Even if the gathering of the files was an innocent bureaucratic mistake, as has been suggested by the White House, unanswered questions raising many systemic privacy and other civil liberties concerns remain:

1. Why was a low level, temporary civilian employee of the Army given the task of gathering these sensitive files, instead of a person who might grasp immediately the political sensitivity -- as well as the risk to privacy -- of the task?
2. What procedures did the White House employ to ensure that only the files of current pass holders were requested, and that the privacy interests of those whose files were requested were respected? Moreover, why were the files retained in the White House, instead of being returned to the FBI? What procedures are in place to ensure return of such files?
3. Did the White House obtain from the FBI summaries of files containing sensitive personal information, or did it obtain the entire files?
4. What does the White House do to permit the FBI to verify that a White House request for personal information was properly made, and what happens if the FBI determines



that the White House does not have a proper need for the personal information that it has requested?

5. Will the White House permit an independent, non-partisan person or entity to review and evaluate White House requests for sensitive files from the FBI to ensure that only files that are properly requested are made available? Under the new procedures proposed by the FBI, what happens if the DOJ determines that the White House does not have a proper need for the personal information it has requested?
6. Will the White House make public all of the memoranda of understanding and executive orders that now, and used to, govern White House requests for FBI files?
7. Would the White House be willing to employ the same procedures for sensitive file review as are employed by the Senate committees charged with confirming White House appointees, i.e., file review in a designated room, by designated individuals, who may not remove documents?
8. Who at the White House had access to the personal information that was allegedly improperly obtained? What "minimization procedures" does the White House employ to ensure that only those with a critical need are given only temporary access to such personal information?

The proposed procedures for FBI responses to White House file requests made to the FBI as outlined in the June 14, 1996 report of Howard M. Shapiro, FBI General Counsel, and in the accompanying memorandum of the same date, may be inadequate to protect privacy. Furthermore, we are troubled by the prospect that the FBI would be called on to conduct an investigation of activities in which the Bureau itself was involved.

These questions posed above merit serious attention, apart from the questions about what happened in this specific instance. We would like to work with you to improve privacy safeguards and yet maintain your ability to obtain the information the White House needs to ensure that those seeking access to the White House do not pose a security threat, or that they meet the appropriate standards for presidential appointments and awards.

We understand that the House Government Reform and Oversight Committee and Senate Judiciary Committee are conducting hearings about the entire matter. We encourage you to endeavor to resolve these questions in the context of those hearings, and to encourage your staff to be as forthcoming as possible. We would also welcome a response to our specific questions.

Thank you for your cooperation.

Sincerely,


Laura W. Murphy
Director


Gregory T. Nojeim
Legislative Counsel

cc: Mr. Leon Panetta, White House Chief of Staff

DECLARATION OF D. CRAIG LIVINGSTONE

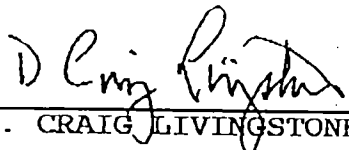
I, D. Craig Livingstone, hereby declare:

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

STATEMENT

Mark D. Fabiani
Special Associate Counsel to the President

June 10, 1996

The attached sworn declaration of Mr. Anthony Marceca was offered to the White House by Mr. Marceca's attorney, Ms. Andrea Marceca. The White House is providing the four-page declaration to members of the media interested in this matter. Mr. David Cohen, the lawyer for White House Personnel Security Office Director Craig Livingstone, obtained the sworn statement from Mr. Marceca on June 9, 1996 and provided it to Mr. Marceca's attorney.

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

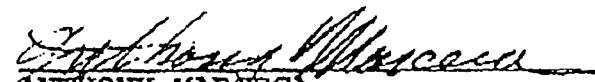
Mr. Livingstone's review. To the best of my recollection, none of these files were of former high-ranking Bush or Reagan Administration officials, such as [REDACTED]

[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.

I C.
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

ELI J. SEGAL

7/2/96

Statement

In December, 1992, at his request,

I agreed to "sponsor" Craig Livingstone for a position on the advance staff in the Clinton Administration. I did so based on the able work he performed on the advance staff in the Clinton Gore presidential campaign in 1992 and in the California primary of the Hart presidential campaign in 1984.

Eli J. Segal

THE WHITE HOUSE

WASHINGTON

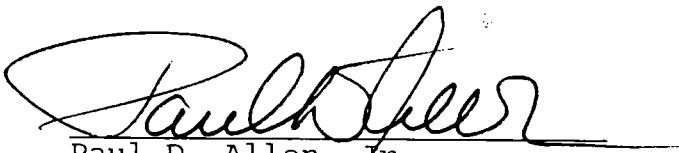
June 13, 1996

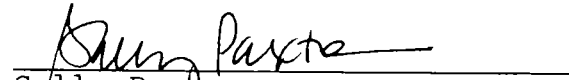
MEMORANDUM FOR THE RECORD

RE: COUNSEL'S OFFICE REQUEST

At the request of Special Associate White House Counsel, Sally Paxton, the Personnel Security Files of the attached individuals were retrieved from the vault of the Personnel Security Office and Room 563 of the Office of Records Management as indicated. These files were put into one box. Subsequently, Paul D. Allen, Jr. of the FBI, in the presence of Sally Paxton, reviewed the contents of the box and confirmed that they contained the Files identified on the attached list.

The entire contents of the box were removed and transferred to the custody of the FBI.


Paul D. Allen, Jr.
Assistant Inspector
Federal Bureau of
Investigation


Sally Paxton
Special Associate Counsel to
the President

AARHUS, Carol Blym
ADDINGTON, David Spears
ALDERMAN, Clifford Thomas
ALEXANDER, Cara Leslie
ALLISON, James Newby - Archived in CF Box #281
ALLISON, Melissa Co - Archived in CF Box #281
ALSOBROOK, David Ernest
AMEND, Deborah Ann
AMICK, Joan Marie
ANDERSON, Debra Rae
ANDERSON, Rebecca Lee - Archived in CF Box #281
ANDERSON, Stanton Dean
ANDERSON, Susan Elizabeth - Archived in CF Box #281
ANDRES, Gary John
ARDLEIGH, Kirsten Clark
ARENDS, Jacqueline Grace
ARMENDARIZ, Rebecca Anne - Archived in CF Box #281
ARMFIELD, Robert Kelly
ASTRUE, Michael James - Archived in CF Box #282
ATKINSON, Dennis Maurice
ATKINSON, Carolyn Florence
AUGUSTINE, Barbara McCauley
AUPPERLE, Tammy Bloo
BAKER, Barbara Wash
BARNES, Karen Lee
BARNETT, Jane Elizabeth
BARTH, Shanette Michael
BASSUK, Gregory David - Archived in CF Box #282
BATES, David Quentin - Archived in CF Box #282
BAUR, Kathleen Elizabeth
BEACH, Chester Paul
BECHERER, Thomas L. - Archived in CF Box #282
BEDARD, Catherine Therese
BENEDI, Antonio - Archived in CF Box #282
BEREZNY, Caroline Clare
BINION, Elizabeth Ann
BIZIC, Mark Gustav
BLACK, Judy Ann - Archived in CF Box #283
BLACKBURN, Barbara Ann
BLAKEY, Marion Clifton - Archived in CF Boc #283
BLUMENTHAL, Gary Robert
BOSTICK, Gladys Rebecca
BRADY, Phillip Donley
CARLSON, Daniel Lee - Archived in CF Box #284
CARLSON, Kathleen Shaughnessy
CARNES, Kelly Hawkins - Archived in CF Box #285
CARPENTER, Judith Lee
CARPENTER, Margaret Van Wagenen - Archived in CF Box #285
CARR, Michael Damon - Archived in CF Box #285
CAVENDISH, Sara Joan - Archived in CF Box #285
CHANG, Jennifer - Archived in CF Box #285
CIPRIANI, Aida Marie - Archived in CF Box #286
COLBY, Clifford William
CORNICK, Susan Ann - Archived in CF Box #286

COURTEMANCHE, Jack L. - Archived in CF Box #286
CURRY, Dorothy Jane - Archived in CF Box #287
DIETZ, Kristine Marie
DONALDSON, Helen Colle - Archived in CF Box #288
DORN, Nancy Patricia - Archived in CF Box #288
DOYLE, Megan Eileen
EDDY, Laura Hersloff - Archived in CF Box #289
ELKINS, Lucy Mae - Archived in CF Box #289
EVANS, Gregory Charles - Archived in CF Box #289
FENDLER, Gary Ellis - Archived in CF Box #289
FOSTER, Patricia Helen
FREE, Charles Martin - Archived in CF Box #290
FULLER, Karen Hart - Archived in CF Box #290
GARLINGTON, Audey Joyce - Archived in CF Box #290
GERRARD, Constance - Archived in CF Box #291
GILLETTE, Katherine James - Archived in CF Box #291
GLEN, Alixe Reed - Archived in CF Box #291

Unless otherwise indicated, the files were retrieved from the
Personnel Security Office vault.

HISTORY OF FILES RETURNED TO FBI

- 12/94-7/95 White House Office of Personnel Security ("OPS") archives with the Office of Records Management ("ORM") certain files of staff prior to 1/20/93; archive list contains 341 names.
- 2-7/95 OPS (Lisa Wetzl) checks out from ORM 7 of the archived files because they relate to individuals who are still employed by the White House. At the request of the FBI, the White House has confirmed that these files are still stored in the OPS vault.
- 5/21/96 Billy Dale's file is checked out of ORM by OPS and given to Associate Counsel Wendy White for purposes of production to the Government Reform Committee; Ms. White returns the original file a few days later.
- 6/5/96 The files of Billy Dale and John Dreylinger are checked out of ORM by OPS (Craig Livingstone) at the request of Special Counsel Jane Sherburne after Chairman Clinger alleges that Billy Dale's file was improperly sought by the White House in order to smear his name.
- 6/6/96 Ms. Sherburne produces Billy Dale's original file to the Independent Counsel. Ms. Sherburne is notified by Craig Livingstone's lawyer Dale's file was collected in connection with an Update Project that also involved the mistaken collection of other FBI reports. Mr. Livingstone provides Ms. Sherburne a copy and index of 341 such reports that have been sent to ORM by OPS for archiving.
- 6/6/96 Ms. Sherburne contacts the FBI and requests that they take custody of the archived files. The FBI inventories the archived files in the presence of ORM staff, Ms. Sherburne, and Special Associate Counsel Sally Paxton. They observe that there is an extra file among this material not included on the archive index (Barnett). Thus the total number of files which the FBI retrieves from the White House is 333:
- 341-7=334
334-2=332
332+1=333
- 6/10/96 Ms. Sherburne provides the FBI with the original files of former Travel Office employees John Dreylinger and Barney Brasseux.

6/13/96 In response to a request from the FBI to the White House to determine whether an additional 138 files had been mistakenly requested, the White House returned 71 more files to the FBI. The White House determined that 74 additional requests were mistakenly made. Two were not returned because the White House had a legitimate need to retain them and 1 of the 74 was Brasseux's file, which had already been returned. [There was insufficient information on 17 files]

Thus, 406 files were returned to the FBI (333+2+71) and 408 individuals mistakenly had copies of previously reports requested,

THE WHITE HOUSE
WASHINGTON

July 3, 1996

MEMORANDUM FOR COLLEEN CALLAHAN
SAIC, WHITE HOUSE DIVISION

FROM: JODIE R. TORKELSON
ASSISTANT TO THE PRESIDENT FOR
MANAGEMENT AND ADMINISTRATION

SUBJECT: USSS Policy Changes

Based on our meeting today, I am writing to express some concerns about the United States Secret Service changes in policy and practices that you notified me of today. It would be most helpful if, in the future, you would advise me in advance wherever possible to avoid needless confusion and misunderstandings. Following are those changes that were made without prior notification to my office:

- 1) Reportedly the alarms in OEOB 84, 98 and 563 have been turned off as a result of the lock changes. This evidently occurred despite the fact that at my express direction, Chuck Easley informed Greg Mertz that the alarms in those offices should not be turned off for any reason without prior notification and approval from me. It is inconceivable to think that an organization responsible for providing security to the EOP complex would disable alarms in such a sensitive area without first notifying me or the White House Counsel's Office. Please provide a notification in writing of any actions you took and the current status of the alarms in those rooms.
- 2) Although it has been repeatedly requested, I have been told that the United States Secret Service has not provided the weekly download of the WAVES file to the Office of Administration Information Systems Technology Division since June 21, 1996. The WAVES file has been provided to the Office of Administration weekly since 1991. Information from the WAVES file is used for the following purposes:
 - WAVES Appointment Requests - We need to know the pass type of employees who attempt to make WAVES appointments through our e-mail system. This is primarily a convenience to the Secret Service in addition to making it easier for EOP employees to WAVE in visitors. Absent this information, WAVES appointments will have to be called in to the WAVES Center or pass type information will have to be verified by WAVES personnel for each request received.

- EOP Directory - We use the WAVES file for several other important purposes. We compare it to our personnel/payroll file and notify USSS of individuals on its passholder file who we know are gone. This catches people who may have left without turning in their passes. Because the USSS file lists all personnel who have pass access to the complex, it helps assure that invitations to events and similar matters reach everyone. If this information is not provided by the WAVES file, we will only be able to provide mementos, memos and invitations to people in the personnel system which is approximately 70% of the number of individuals we currently include. The Drug Testing program also relies on the quality control products to ensure that no one with access to the OEOP and White House are improperly coded as non-testing designated.

You indicated today that you needed a written request from me stating our reasons for reinstating the practice of sending the Office of Administration this information. Please consider this your request to do so effective July 5, the next regular date for updating.

- 3) You said that all requests for passholder lists must be made by the EOP Security Officer to the SAIC, White House Division. We have no objection but, again, would have appreciated being notified in advance.

You also asked that we clarify certain other responsibilities:

- 1) Access lists will continue to be sent to Management and Administration and approved by me. Under no circumstances may any other person or office in the EOP approve access lists requests.
- 2) All key requests for White House office space must be approved in advance in writing by me (or Frank Reeder in my absence). You should work with other EOP entities to determine how they wish to control issuance for their offices.
- 3) All pass requests and requests to be placed on access lists for White House, OEOP, and NEOB for all EOP entities must be approved in advance in writing by me (or Frank Reeder in my absence).

I find it unacceptable to be told of the policy changes of the importance of those described above after they have already been implemented. In the future, I want to be informed in writing by the USSS before any policies and practices that affect the daily operations of the EOP complex are changed. Please provide all policy changes in writing to me as soon as possible to clarify what we discussed today.

THE WHITE HOUSE
WASHINGTON

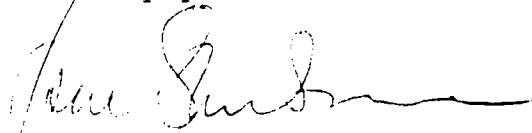
October 21, 1996

Dennis L. Tomlin, Esq.
208 Harbor Drive
Hendersonville, TN 37075

Dear Mr. Tomlin:

I have received your Freedom Of Information Requests and have forwarded them to the appropriate agencies for response.

Sincerely yours,

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

Jane C. Sherburne
Special Counsel to the President

Anthony Marceca is a United States Army Civilian Employee at the United States Army Central Security Clearance Facility (CCF), Fort Meade, Maryland. He currently resides at 522 Camelot Court, Odenton, Maryland 21113. His Home telephone number is (410) 674-5126. Mr. Marceca is a member of the Civilian Intelligence Personnel Management System (CIPMS), and his career is managed by the Army Intelligence Community, protected from the normal oversight and scrutiny of the Office of Personnel Management (OPM).

From late 1993 through early 1994, Mr. Marceca was detailed from Army's CCF at Fort Meade to the White House Personnel Office as a Security Clearance Adjudicator. It is unclear why files would have been requested on individuals who already had security clearances. All files requested by Mr. Marceca from the FBI had already been favorably adjudicated, and security clearance had already been granted. There would have been no legitimate reason to review dossiers of any individual who had already been favorably adjudicated.

During 1993, while Mr. Marceca was detailed to the White House, a number of dossiers were provided by the United States Army Central Security Clearance Facility at Fort Meade to the White House via Mr. Marceca. In some instances, these files pertained to individuals who were under consideration for political appointment to positions within the Clinton Administration.

In at least one instance, the United States Army sought to negatively influence a White House decision regarding the appointment of an individual to an oversight position within the Department of Defense. The individual was a well known senior army civilian who had accurately reported fraud, waste, and abuse within Army and Department of Defense programs to congress over a ten year period. The Army sought to discredit the individual by providing his US Army Security Clearance dossier through Mr. Marceca to White House personnel. The Army officials involved in this particular case were Maria Di Marco, head of the CCF Adjudication Division, Army Lieutenant Colonel Alan R. Brandolini, Lieutenant Colonel Robert Youmans, and Lieutenant General Donald M. Lionetti.

THE WHITE HOUSE
WASHINGTON

*Kathy,
As we discussed
Jane*

October 17, 1996

MEMORANDUM FOR JANE SHERBURNE
SPECIAL COUNSEL TO THE PRESIDENT

FROM: TERRY GOOD *Good*
DIRECTOR
OFFICE OF RECORDS MANAGEMENT

RE: ACCESS TO SECURITY CLASSIFIED AND
CONFIDENTIAL FILES IN ORM'S CUSTODY
WHICH ARE STORED IN OUR VAULT IN ROOM 84

This is to follow up on Lee Johnson's telephone conversation with you of October 11. At that time, Lee related to you that Charles Easley had informed us that he would be absent from the Complex the week of October 21 - 25. As you know, this means that for that entire week we will not have access to the Presidential documents in the vault, an unpleasant if not nightmarish prospect. These are the most sensitive and security classified files in our custody. A high percentage of them are stamped "The President has seen." When we receive requests for these documents, the reasons are very important, the need at least fairly urgent, if not critical.

I would ask if, during Chuck's absence, you could arrange to have someone else on call to allow us to access these Presidential files in the timely fashion that the White House staff has come to expect, and require, from this office.

The following page provides some history of our connection with Room 84.

*To Jane
Please call me and
I'll fill you in.
KW*

As you may know, we have shared the vault in Room 84 with the Counsel's Office since the Nixon Administration. While the documentation on the "ownership" of the room is lost, ORM occupied the room and the vault before Watergate. The "Special Projects Office" under Trudy Fry was given the space in order to oversee the collection and maintenance of any sensitive files during that tumultuous period. Later, we got the space back only to be asked to share it with the Counsel's Office, specifically the staff responsible for the investigations and clearance of EXOP staff. That arrangement has continued to the present. We have been able to hang on to two of the large ferris wheel file cabinets in the Vault.

During these Administrations, we have filed most of our security classified and administratively confidential documents in these two machines. We have shared with the Security Office staff the key and combination knowledge in order to access the room/vault at will. While we are able to schedule the majority of our activities -- filing -- during the regular working day, corresponding to the hours when the Security Office staff are also there, invariably there are requests for files/information that occur during the off/weekend/holiday hours. In those instances, our unlimited access is crucial to our successful response.

The current arrangement is markedly different, having changed with the departure of Craig Livingstone. Charles Easley, having been given responsibility for clearances and the related records, has been very cooperative whenever we have asked for access to the Vault files. He has always rearranged his schedule to come over from his NEOB office to let us in. We, on our behalf, have avoided bothering him except when absolutely necessary. We have preferred to hold off doing the daily filing in the belief that we would once again enjoy unlimited access, once the most recent investigation was completed. Unfortunately, its progress has been disappointingly slow. In the meantime, our backlog has grown. Fortunately, the number of requests for files has been very low and, with one exception, always corresponding to a day when Chuck was on site.

We continue to look forward to the day when we at least have key and combination access to the Room and the vault, allowing us to file and retrieve when convenient, when necessary, for us.

We would prefer, however, to have both the room and the vault for our exclusive use, as it was in the past.

THE WHITE HOUSE

WASHINGTON

October 17, 1996

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SPECIAL COUNSEL TO THE PRESIDENT

FROM: TERRY GOOD 
DIRECTOR
OFFICE OF RECORDS MANAGEMENT

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THE WHITE HOUSE
WASHINGTON

October 2, 1996

Lawrence W. Rabb, Esq.
2315 27th Ave.
Meridian, Mississippi 39301

Dear Mr. Rabb,

Thank you for sending along your idea related to the recently filed Judicial Watch lawsuit. I have forwarded your material to the lawyers in the Department of Justice handling this matter.

We appreciate your thoughtfulness. Please do not hesitate to share your insights with us again.

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

LAWRENCE W. RABB

ATTORNEY AT LAW

2315 27TH AVENUE

MERIDIAN, MISSISSIPPI 39301

TEL (601) 482-7043

FAX (601) 482-1159

September 17, 1996

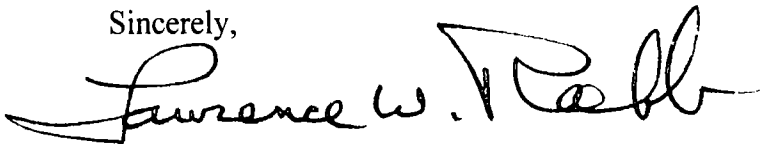
Office of the White House Counsel
The White House
1600 Pennsylvania Ave. NW
Washington, DC 20500

Gentlemen and Ladies:

I read last week of a 57 million dollar suit filed against Hillary Clinton and others on the White House staff by some who contend they were wronged by the acquisition of certain FBI files by the White House staff under President Clinton. It occurs to me, without access to a copy of the pleadings that this might be a tort claim against employees of the government. If so, 28 USC 1346 (b) and 28 USC 2679 might apply - together with related statutes.

In any event I wanted to pass on my idea.

Sincerely,

A handwritten signature in black ink, appearing to read "Lawrence W. Rabb". The signature is fluid and cursive, with the first name "Lawrence" written in a larger, more prominent script than the last name "Rabb".

Lawrence W. Rabb

Enclosure

REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 41(15) (Mar. 3, 1911, ch. 231, § 24, par. 15, 36 Stat. 1092).

Words "civil action" were substituted for "suits," in view of Rule 2 of the Federal Rules of Civil Procedure.

Words "United States Senator" were added, as no reason appears for including Representatives and excluding Senators. Moreover, the Seventeenth amendment, providing for the popular election of Senators, was adopted after the passage of the 1911 law on which this section is based.

Changes were made in phraseology.

§ 1345. United States as plaintiff

Except as otherwise provided by Act of Congress, the district courts shall have original jurisdiction of all civil actions, suits or proceedings commenced by the United States, or by any agency or officer thereof expressly authorized to sue by Act of Congress.

REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 41(1) (Mar. 3, 1911, ch. 231, § 24, par. 1, 36 Stat. 1091; May 14, 1934, ch. 283, § 1, 48 Stat. 775; Aug. 21, 1937, ch. 726, § 1, 50 Stat. 738; Apr. 20, 1940, ch. 117, 54 Stat. 143).

Other provisions of section 41(1) of title 28, U.S.C., 1940 ed., are incorporated in sections 1331, 1332, 1341, 1342, 1354, and 1359 of this title.

Words "civil actions, suits or proceedings" were substituted for "suits of a civil nature, at common law or in equity" in view of Rules 2 and 81(a)(7) of the Federal Rules of Civil Procedure.

Word "agency" was inserted in order that this section shall apply to actions by agencies of the Government and to conform with special acts authorizing such actions. (See definitive section 451 of this title.)

The phrase "Except as otherwise provided by Act of Congress," at the beginning of the section was inserted to make clear that jurisdiction exists generally in district courts in the absence of special provisions conferring it elsewhere.

Changes were made in phraseology.

§ 1346. United States as defendant

(a) The district courts shall have original jurisdiction, concurrent with the United States Court of Federal Claims, of:

(1) Any civil action against the United States for the recovery of any internal-revenue tax alleged to have been erroneously or illegally assessed or collected, or any penalty claimed to have been collected without authority or any sum alleged to have been excessive or in any manner wrongfully collected under the internal-revenue laws;

(2) Any other civil action or claim against the United States, not exceeding \$10,000 in amount, founded either upon the Constitution, or any Act of Congress, or any regulation of an executive department, or upon any express or implied contract with the United States, or for liquidated or unliquidated damages in cases not sounding in tort, except that the district courts shall not have jurisdiction of any

civil action or claim against the United States founded upon any express or implied contract with the United States or for liquidated or unliquidated damages in cases not sounding in tort which are subject to sections 8(g)(1) and 10(a)(1) of the Contract Disputes Act of 1978. For the purpose of this paragraph, an express or implied contract with the Army and Air Force Exchange Service, Navy Exchanges, Marine Corps Exchanges, Coast Guard Exchanges, or Exchange Councils of the National Aeronautics and Space Administration shall be considered an express or implied contract with the United States.

(b) Subject to the provisions of chapter 171 of this title, the district courts, together with the United States District Court for the District of the Canal Zone and the District Court of the Virgin Islands, shall have exclusive jurisdiction of civil actions on claims against the United States, for money damages, accruing on and after January 1, 1945, for injury or loss of property, or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

(c) The jurisdiction conferred by this section includes jurisdiction of any set-off, counterclaim, or other claim or demand whatever on the part of the United States against any plaintiff commencing an action under this section.

(d) The district courts shall not have jurisdiction under this section of any civil action or claim for a pension.

(e) The district courts shall have original jurisdiction of any civil action against the United States provided in section 6226, 6228(a), 7426, or 7428 (in the case of the United States district court for the District of Columbia) or section 7429 of the Internal Revenue Code of 1954.

(f) The district courts shall have exclusive original jurisdiction of civil actions under section 2409a to quiet title to an estate or interest in real property in which an interest is claimed by the United States. (As amended Apr. 25, 1949, c. 92, § 2(a), 63 Stat. 62; May 24, 1949, c. 139, § 80(a, b), 63 Stat. 101; Oct. 31, 1951, c. 655, § 50(b), 65 Stat. 727; July 30, 1954, c. 648, § 1, 68 Stat. 589; July 7, 1958, Pub.L. 85-508, § 12(e), 72 Stat. 348; Aug. 30, 1964, Pub.L. 88-519, 78 Stat. 699, Nov. 2, 1966, Pub.L. 89-719, Title II, § 202(a), 80 Stat. 1148; July 23, 1970, Pub.L. 91-350, § 1(a), 84 Stat. 449; Oct. 25, 1972, Pub.L. 92-562, § 1, 86 Stat. 1176; Oct. 4, 1976, Pub.L. 94-455, Title XII, § 1204(c)(1), Title XIII, § 1306(b)(7), 90 Stat. 1697, 1719; Nov. 1, 1978, Pub.L. 95-563, § 14(a), 92 Stat. 2389; Apr. 2, 1982, Pub.L. 97-164, Title I, § 129, 96 Stat. 39; Sept. 3, 1982, Pub.L. 97-248, Title IV, § 402(c)(17), 96 Stat. 669; Oct. 22, 1992, Pub.L. 99-514, § 2, 100 Stat. 2095; Oct. 29, 1992, Pub.L. 102-572, Title IX, § 902(b)(1), 106 Stat. 4516.)

REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 931(b) (Aug. 2, 1946, ch. 753, § 410(b), 60 Stat. 844).

Section constitutes the first sentence of section 931(b) of title 28, U.S.C., 1940 ed. Other provisions of such section, 931(b) are incorporated in section 2675 of this title.

Changes were made in phraseology.

SENATE REVISION AMENDMENT

This section was eliminated by Senate amendment. See 80th Congress Senate Report No. 1559.

§ 2677. Compromise

The Attorney General or his designee may arbitrate, compromise, or settle any claim cognizable under section 1346(b) of this title, after the commencement of an action thereon.

(As amended July 18, 1966, Pub.L. 89-506, § 3, 80 Stat. 307.)

REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 934 (Aug. 2, 1946, ch. 753, § 413, 60 Stat. 845).

Changes were made in phraseology.

SENATE REVISION AMENDMENT

This section was renumbered "2676" by Senate amendment. See 80th Congress Senate Report No. 1559.

§ 2678. Attorney fees; penalty

No attorney shall charge, demand, receive, or collect for services rendered, fees in excess of 25 per centum of any judgment rendered pursuant to section 1346(b) of this title or any settlement made pursuant to section 2677 of this title, or in excess of 20 per centum of any award, compromise, or settlement made pursuant to section 2672 of this title.

Any attorney who charges, demands, receives, or collects for services rendered in connection with such claim any amount in excess of that allowed under this section, if recovery be had, shall be fined not more than \$2,000 or imprisoned not more than one year, or both.

(As amended July 18, 1966, Pub.L. 89-506, § 4, 80 Stat. 307.)

REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 944 (Aug. 2, 1946, ch. 753, § 422, 60 Stat. 846).

Words "shall be guilty of a misdemeanor" and "shall, upon conviction thereof", in the second sentence, were omitted in conformity with revised title 18, U.S.C., Crimes and Criminal Procedure (H.R. 1600, 80th Cong.). See sections 1 and 2 of said revised title 18.

Changes were made in phraseology.

SENATE REVISION AMENDMENT

This section was renumbered "2677" by Senate amendment. See 80th Congress Senate Report No. 1559.

§ 2679. Exclusiveness of remedy

(a) The authority of any federal agency to sue and be sued in its own name shall not be construed to authorize suits against such federal agency on claims which are cognizable under section 1346(b) of this title, and the remedies provided by this title in such cases shall be exclusive.

(b)(1) The remedy against the United States provided by sections 1346(b) and 2672 of this title for injury or loss of property, or personal injury or death arising or resulting from the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment is exclusive of any other civil action or proceeding for money damages by reason of the same subject matter against the employee whose act or omission gave rise to the claim or against the estate of such employee. Any other civil action or proceeding for money damages arising out of or relating to the same subject matter against the employee or the employee's estate is precluded without regard to when the act or omission occurred.

(2) Paragraph (1) does not extend or apply to a civil action against an employee of the Government—

(A) which is brought for a violation of the Constitution of the United States, or

(B) which is brought for a violation of a statute of the United States under which such action against an individual is otherwise authorized.

(c) The Attorney General shall defend any civil action or proceeding brought in any court against any employee of the Government or his estate for any such damage or injury. The employee against whom such civil action or proceeding is brought shall deliver within such time after date of service or knowledge of service as determined by the Attorney General, all process served upon him or an attested true copy thereof to his immediate superior or to whomever was designated by the head of his department to receive such papers and such person shall promptly furnish copies of the pleadings and process therein to the United States attorney for the district embracing the place wherein the proceeding is brought, to the Attorney General, and to the head of his employing Federal agency.

(d)(1) Upon certification by the Attorney General that the defendant employee was acting within the scope of his office or employment at the time of the incident out of which the claim arose, any civil action or proceeding commenced upon such claim in a United States district court shall be deemed an action against the United States under the provisions of this title and all references thereto, and the United States shall be substituted as the party defendant.

Filegate snoop clams up about who's paying his lawyers

By THOMAS GALVIN
Post Correspondent

WASHINGTON — Filegate figure Craig Livingstone is getting the best lawyers money can buy — but he's defying a subpoena to say who is helping him pay his \$350-an-hour legal eagles.

Livingstone, at the center of the storm over the White House gathering of FBI files on hundreds of Republicans, has ignored for months the congressional subpoena demanding the information.

Republicans want to know if Livingstone's bills are being paid by a Democratic Party source to ensure he remains loyal to the White House — much as

Travelgate figure David Watkins was when paid a \$3,000-a-month retainer by the Democratic National Committee.

Meanwhile, The Post has learned that Livingstone, the burly ex-White House security chief, nearly cut a deal with congressional investigators to toll all in exchange for blanket immunity.

The secret talks went on for two weeks this past summer, but ultimately "fizzled," a congressional source said.

Instead, Livingstone has placed his trust in high-powered lawyers Randy Turk and David Cohen to get him out of legal hot water with special counsel Ken

Starr, who is probing Filegate.

How Livingstone, now unemployed, can afford to pay the hefty rates of Turk and Cohen — who are believed to make about \$350-an-hour — remains a mystery.

Livingstone and his lawyers aren't saying, and the White House claims it doesn't know who set up his legal defense fund.

Michael Cardozzo, who manages President Clinton's legal defense fund, said he has no role in raising money for Livingstone, whom Starr is investigating to determine whether Filegate was as part of a dirty tricks campaign against GOPers.

Congress has also struck

out in its attempt to learn how Livingstone is paying his megabucks legal bills.

The House Government Reform Committee issued a subpoena July 15 ordering Livingstone to detail who is bailing him out — but has yet to get an answer.

Chairman Bill Clinger (R-Pa.) warned Turk two weeks ago "that your client is in contempt of a subpoena ... request[ing] the names of contributors of Mr. Livingstone's legal defense fund."

With Congress closing up shop for the year, however, it is unlikely Clinger will learn who is footing the legal bills.

One mystery has been cleared up — Mari Ander-



LIVINGSTONE
High-priced advice.

son, Livingstone's ex-assistant at the White House who went into hiding rather than face a Senate grilling, has agreed to answer questions Wednesday.

Senate investigators want to know whether any high-ups at the White House instructed Anderson to get files on Republicans.

Hubby goes clubbing — & Pam gets Maced

By BRENDAN BOURNE
Post Correspondent

LOS ANGELES — "Bay-watch" beauty Pamela Anderson Lee was blasted with a dose of chemical pepper spray as her rocker hubby Tommy Lee brawled with paparazzi at Johnny Depp's Viper Club.

"Pam was screaming like a stuck pig. The air was



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STATEMENT

Mark D. Fabiani
Special Associate Counsel to the President

September 25, 1996

On June 6, 1996 the White House Counsel's Office requested that the FBI take possession of various materials related to requests for FBI background investigations. These materials included files marked "Update Project as of 1/94 - Marceca." These files were not reviewed or copied by the White House Counsel's Office before the FBI retrieved them from the White House. According to the Office of the Independent Counsel, the FBI subsequently provided the original "Update Project" files to the Independent Counsel; the FBI did not retain a copy of the files.

The White House Counsel's Office subsequently asked the Office of the Independent Counsel to provide a copy of the "Update Project" materials to the White House. The Independent Counsel's Office agreed to provide a copy of the materials "at such time when disclosure of the documents would not hinder or impede our investigation." In a letter dated September 24, 1996, Deputy Independent Counsel John D. Bates wrote that "we believe that time has been reached. Accordingly, enclosed herewith are two sets of copies of the documents that you requested."

The documents returned by the Independent Counsel to the White House are attached to this statement, and they speak for themselves. The files called "Update Project as of 1/94 - Marceca" contain various Secret Service lists that were apparently used to seek FBI background investigations for the "Update Project." These lists appear to have been generated in mid-1993, long after President Clinton took office. Nonetheless, the Secret Service lists returned by the Independent Counsel include the names of many former Reagan and Bush Administration figures who no longer required White House access. These newly-revealed Secret Service lists support what the White House has said all along about the FBI files matter: The files were mistakenly sought as the result of a bureaucratic blunder.

According to sworn testimony, the original Secret Service list used to seek the "A-through-G" background files was discarded once the list's mistakes were discovered. However, the Secret Service lists returned by the Independent Counsel to the White House does include a Secret Service list generated on June 10, 1993. This Secret Service list runs from "Po-to-Zy" and is titled "Exclusive Employer Directory for White House Operations Personnel." Even though this Secret Service list was generated on June 10, 1993, it contains the names of many former Reagan and Bush Administration figures. These names include John Sununu, Samuel Skinner, Sherrie Rollins, Charles Nelson Warfield, Bob Teeter, Margaret Tutweiler, Robert Zoellick, and Bush

Administration Personnel Director Charles Untermeyer. (Of course, background files were not sought for these former Reagan and Bush Administration officials; the "Update Project" for White House staff ceased at "Go.")

Other Secret Service lists among the documents returned by the Independent Counsel to the White House and generated in 1993 contain the names of former Reagan and Bush Administration figures James Baker, Brent Scowcroft, Robert Gates, Arthur Culvahouse, Mary Quayle, Tucker Quayle, Lee Atwater, Richard Wirthlin, William Webster, Clayton Yeutter, Rich Bond and Frank Fahrenkopf.

The documents returned by the Independent Counsel to the White House also include a Secret Service list of General Services Agency (GSA) employees. This list, generated on June 10, 1993 by the Secret Service, matches almost exactly the list of FBI background investigations on GSA employees sought for the "Update Project." (The list of GSA files sought runs from "Fr-to-Yo" and was released by the FBI on June 25, 1996.) This match between the two lists confirms that Secret Service lists were being used for the "Update Project."

In short, these newly-revealed Secret Service lists undermine the charges made by our political opponents and support what the White House has said all along about the FBI files.

FACT SHEET

FBI FILES

NO EVIDENCE OF WRONGDOING:

- "No evidence has emerged that the files were misused, and the White House has said they were obtained in a bureaucratic snafu." Wall Street Journal (Glenn Simpson), 9/21/96
- "So far, however, no evidence has surfaced that Marceca, Livingstone or anyone else at the Clinton White House misused the FBI reports." The Washington Post (George Lardner), 9/9/96
- "After weeks of hearings by Congressional committees, no direct evidence has appeared that points to a conspiracy by the Clinton Administration to use the files to gain intelligence on political opponents. Newly disclosed depositions of officials and a fresh account by the Secret Service of its records are largely consistent with the White House assertion that the officials who improperly obtained the files were using an outdated list of White House staff members. Those lists regularly included the names of people who had left the White House, a number of former employees of the security office say. White House records reviewed last week, for example, show that in 1993 the Secret Service continued to list Zbigniew Brzezinski, national security adviser to President Jimmy Carter, as an active pass holder." The New York Times (Neil Lewis and Matthew Purdy), 7/17/96
- "A few days of congressional hearings failed to link FBI file-handlers Craig Livingstone and Anthony Marceca to higher-ups, frustrating hopes for a Clinton implosion. By week's end, neutral and some right-leaners were falling back on the "doofus" theory (George Will dismissed Livingstone and Marceca as "incompetent lowlifes") and reducing the mystery of who hired Livingstone to comic chat-show banter (Paul Gigot: Maybe Eleanor Roosevelt did)." Slate (William Saletin), 7/1/96
- "In fact, it was almost immediately clear that "Filegate" was probably just what the Clintons claimed it to be: an act of bureaucratic idiocy... Gradually, even the most rabid partisans on the committee seemed to understand they were confronted with a case of serious numbskullery rather than clever skullduggery..." Newsweek (Joel Klein), 7/8/96

THE EXISTENCE OF "BAD" LISTS:

- Secret Service officials initially testified that it would have been impossible for them to produce a list of pass holders that was so out of date. But several current and former employees of the White House security apparatus, including some from previous administrations, have said that Secret Service lists of people with access to the White House often includes names of employees who left the Government years before. Charles C. Easley, a career security official employed at the White House since the Reagan Administration -- and who was recently named as Mr. Livingstone's successor -- told Senate investigators last month that when he raised the problem with Secret Service officials, they responded: "We don't have problems." In interviews last week, Secret Service officials softened their position. A spokesman, Carl Meyer, acknowledged that the agency only deleted names from its master list of White House pass holders when asked to do so by the White House. Therefore, a Reagan Administration official could have remained on the list unless the Bush Administration asked to have the person's name removed, he said." The New York Times (Neil Lewis and Matthew Purdy), 7/17/96
- "A Secret Service list of "possible administration holdover passholders" produced for the Clinton White House in the spring of 1993 included "President George Bush" as one of them... The document apparently was not the one that Livingstone's office used in 1993-94 in wrongly obtaining sensitive FBI background reports on hundreds of Republicans. But the accuracy of the Secret Service passholder lists has become a simmering side issue in the debate over the improper acquisition of the files." The Washington Post (George Lardner), 7/14/96
- "Meanwhile, The Post has learned that Marceca's predecessor at the White House -- career civil servant Nancy Gemmell -- improperly obtained an FBI report on at least one former official, which may raise questions about the Secret Service's claim that it couldn't produce outdated lists. The Secret Service has insisted that it immediately purges old names from its access list. But in August 1993, Gemmell apparently using a Secret Service list sought an FBI report on Daniel Rhea, a national security staffer who had left the job years before." New York Post (Tom Galvin), 7/17/96

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

- - - - -X
:
In the Matter of: :
:
WHITE HOUSE ACCESS TO FBI :
BACKGROUND SUMMARIES :
:
- - - - -X

Washington, D.C.

Monday, September 9, 1996

The deposition of JANE C. SHERBURNE, called for examination by counsel for the United States Senate, Committee on the Judiciary, in Room SD-234, Dirksen Senate Office Building, Washington, D.C., commenced at 11:33 a.m., before Thomas C. Bitsko, a notary public in and for the District of Columbia, when were present on behalf of the parties:

APPEARANCES:

On behalf of the Committee:

MICHAEL HIRSHLAND
PAUL LARKIN
DAVID SCHANZER
MELISSA RILEY
KAREN ROBB

On behalf of the Deponent:

STEPHEN H. SACHS, ESQ.
ANKUR J. GOEL, ESQ.
Wilmer, Cutler & Pickering
2445 M Street, N.W.
Washington, D.C. 20037-1420

1 A Yes.

2 Q Except for of course the Dreylinger and--

3 A And Billy Dale.

4 Q --Billy Dale which you already cited.

5 A The other ones apparently were in fact current
6 employees, so they shouldn't have been archived, and we had--
7 the FBI asked us to check and--and see if any of the ones
8 that had been pulled were current employees. We checked and
9 confirmed that they were, and let the FBI know that.

10 Q And could you turn to page 53921. There are some
11 handwriting on the bottom. Do you know what--the meaning of
12 these notes?

13 A After the file of Julie Anne Goldberg, there were
14 some other files that were not files for individuals, but
15 were identified by file labels as ~~these files,~~
16 miscellaneous AT&T, C&P Telephone, and so forth.

17 Q Do you know what was actually in the files?

18 A No, I don't. We did not examine them.

19 Q And were these documents sent to the FBI?

20 A Yes, they were.

21 Q Based on any conversations you had with other
22 people after this whole episode occurred, is it possible
23 that these might be the lists that were being used during
24 Project Update?

25 MR. SACHS: This being--

awt

1 MR. SCHANZER: I'm sorry. The context of the
2 files which are referred to on these notes.

3 THE WITNESS: Well, I've had that question myself.
4 We gave--we gave these files to the FBI, and had asked for
5 copies back. They gave us copies back of all the files in
6 CF159. But overlooked copying these files that you've just
7 identified, that are handwritten in on 53921.

8 And apparently those files are now in the custody
9 of the independent counsel. We made a request to receive
10 them and we haven't received them yet.

11 BY MR. SCHANZER:

12 Q When did you make that request?

13 A Some time in July.

14 Q And has the independent counsel explained why
15 those documents haven't been--or copies of the documents
16 haven't been made available to you?

17 A They have said that they want to exhaust their
18 investigative interest in them before they give them back.

19 Q After the process of going through the boxes,
20 determining what was in the files, making checkmarks on
21 Exhibit 18, what happened after that?

22 A Then I was sitting there drafting a memo like
23 this, Terry Good was sitting at his computer, we realized we
24 were both drafting the same--the same thing, and put our
25 heads together and prepared this memo for the record.

POONBERG, STEVEN MARK
FORD, JOSEPH KENNETH OUT USA WETZEL 2/1/5
FORT, MICHELLE CATHERINE
FOSTER, GARY LAYNE
FOSTER, PAUL THOMAS
FRANTZ, MARK ALEXANDER
FREEMAN, JUDITH BJORKMAN
FRITZ, MARY ELIZA
FULTON, YSELLA AYN
FURCHTGOFF-ROTH, DIANA ELIZABETH
GABLE, ELIZABETH BRINTON
GALEN, CHRISTOPHER WILLIAM
GALLETTA, JOHN DAVID
GANNON, KELLEY LYNN
GARDNER, JOHN STEPHEN
GARIKES, MARGARET DANAHER
GARRETT, TRACY DAVIS
GARVENS, TYLER
GAY, CAROLYN SUE
GEAR, KRISTEN MOREAU
GEISSINGER, SPENCER EVAN
GEORGE, JOEY RUSSE
GERAGHTY, LEAH MERCER
GERSHOWITZ, GARY JAY
GIBSON, JOAN GHERING
GIBSON, STEVAN WILLIAM
GIORNO, KAREN ROSALIE
GITLIN, DAVID LAWRENCE
GLASSMAN, JON DAVIS
GOBER, ELLEN JANYCE
GOFF, KAREN LYNN
GOLAY, GAIL THRESA
GOLDBERG, CATHERINE ANNE
GOLDBERG, JULIE ANNE

UPDATE PROJECT AS OF 1/94-MARCECA

MISC →

ATT

C. P Telephone

CIA

GSA

MISC./Dir. for Non-Government Employee

White House Staff Personnel

Diversified Reporting

FBI

Other Government Employees/Cautious

NSC

Office of Executive
Residence

Update ledger 19^c
Update ledger 8

CGE 053921

0110

THE WHITE HOUSE
WASHINGTON

August 6, 1996

MEMORANDUM FOR ALL EXECUTIVE OFFICE OF THE PRESIDENT STAFF

FROM: JANE SHERBURNE
SPECIAL COUNSEL TO THE PRESIDENT

MIRIAM NEMETZ *MN*
ASSOCIATE COUNSEL TO THE PRESIDENT

RE: Document Requests Relating to FBI Files Matter

We have received an Independent Counsel subpoena and additional congressional requests for White House records related to the FBI files matter. Please review your records, including your computer files, and retrieve the following:

- 1) Documents referring or relating to prospective hiring or termination of, job descriptions for, or dates and terms of employment at the White House of Anthony Marceca or Craig Livingstone, including documents relating to administrative leave taken by Mr. Livingstone in June 1996 or Mr. Livingstone's resignation in June 1996.
- 2) Documents, memoranda, or correspondence created, drafted, authored, or signed by Anthony Marceca or Craig Livingstone (note that certain types of documents may be excluded from your response, as described herein).
- 3) Documents or communications that refer or relate to Anthony Marceca, Craig Livingstone, or Lisa Wetzl, including their work or other White House activities.
- 4) Documents referring or relating to requests made by the White House between January 20, 1993, and February 28, 1994, to the Federal Bureau of Investigation for background investigation reports and materials.
- 5) Documents relating to the White House Personnel Security Office's "Project Update."
- 6) Documents relating to the White House Personnel Security Office's procedures for requesting, reviewing, maintaining, and safekeeping F.B.I. background information files;

- 7) Documents relating to the staffing of the White House Personnel Security Office;
- 8) Documents relating to access to and the operation of the White House Personnel Security Office.

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- Press clippings, hearing transcripts, and similar public material that has not been annotated.
- Documents provided to the Counsel's Office in response to the memorandum dated June 24, 1996, and the clarification dated June 25, 1996, asking that you provide documents related to the FBI files matter in response to a request from the House Committee on Government Reform and Oversight.

If you have sent files likely to contain responsive information to the Office of Records Management, please let us know and we will arrange to have your files reviewed.

Please provide responsive information to Miriam Nemetz in Room 482 as soon as possible, but no later than Friday, August 9. We recognize that, despite the exclusions listed above, this request is likely to raise a number of issues. Please do not hesitate to call us (Jane Sherburne at 6-5116 or Miriam Nemetz at 6-5092) for help in resolving them.

SHERBURNE, JANE C.
WHITE HOUSE OFFICE

GENERAL COUNSEL

WF

GFL/WW

THE WHITE HOUSE
WASHINGTON

To: Jane Skerburne

From: John Sutton

Didn't we recently comply with
a similar document request?

Anyway, Harold does not have
any files on this topic.

THE WHITE HOUSE

WASHINGTON

August 6, 1996

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ICKES, HAROLD
WHITE HOUSE OFFICE

DEPUTY CHIEF OF STAFF FOR POLICY

WE

IFL/ww

THE WHITE HOUSE

WASHINGTON

August 6, 1996

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ENRIGHT, JANICE A.
WHITE HOUSE OFFICE

DEPUTY CHIEF OF STAFF FOR POLICY

WH

1FL/WW

THE WHITE HOUSE

WASHINGTON

August 6, 1996

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SPECIAL COUNSEL TO THE PRESIDENT

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SUTTON, JOHN C.
WHITE HOUSE OFFICE

DEPUTY CHIEF OF STAFF FOR POLICY

WH

IFL/WH

FACT SHEET ON CHRIS EMERY

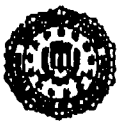
- The FBI conducts reinvestigations of White House employees every five years. Chris Emery, who worked as an usher in the White House Residence, has alleged that in 1993 the White House accelerated his FBI reinvestigation, which was not due to be conducted until 1996. He alleges that the White House used the information in his completed forms as the basis for terminating his employment.
 - Mr. Emery is not a civil service employee. His service was at the pleasure of the President.
 - Mr. Emery was terminated in early March of 1994. According to news accounts, Mr. Emery was released from service because he showed "an incredible lack of discretion." News reports in 1994 reported that Mr. Emery had discussed personal matters about the Clintons with Mrs. Bush.
- The FBI conducted Mr. Emery's first background investigation in 1986; as required, he was reinvestigated by the FBI in 1991.
 - The Office of Personnel Security ("OPS") requested Mr. Emery's reinvestigation in 1993 because it had no record that Mr. Emery had been reinvestigated in 1991.
 - On September 27, 1993, the FBI responded to a request by OPS (as part of OPS' effort to update its files) for Mr. Emery's previous FBI reports by providing **only** the report from his 1986 background investigation. Based on this information, it appeared that Mr. Emery was overdue for a reinvestigation.
 - The White House requested Mr. Emery to complete the various forms to commence a reinvestigation in November 1993. On January 5, 1994, the FBI received the paperwork necessary to start a reinvestigation, which included a consent form signed by Mr. Emery on November 15, 1993.
 - Mr. Emery refused to complete the Personal Data Statement Questionnaire, but did complete the waiver for an IRS tax check.
 - An informal communication between the FBI and OPS on January 7, 1994 uncovered that the FBI had failed to provide OPS with a copy of the 1991 FBI summary report in its request for previous reports sent in September 1993. As

a result of identifying this error, the FBI did not initiate a background investigation and instead provided a copy of the 1991 previous report to OPS.

- The allegation that the White House would have requested an early reinvestigation of Mr. Emery's file to justify his termination does not make sense: Mr. Emery served at the pleasure of the President and could have been asked to leave at any time.
- Neil Lattimore commented upon allegations that the First Lady was involved with the obtaining of Mr. Emery's background summary file, "She doesn't know about any of this. We don't need any files to fire a worker who serves at the pleasure of the President."

FBI OFCA

001



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

July 15, 1996

Manus M. Cooney
Staff Director
Committee on the Judiciary
United States Senate
Washington, D.C. 20746

Dear Mr. Cooney:

By letter dated July 12, 1996, from you to Director Freeh, you asked several questions concerning requests made by the White House for background investigations or five-year reinvestigations on White House employees.

I am providing the responses to questions one through five since you requested this information by COB today. I will be in touch with Melissa Riley for clarification with regard to the remaining question.

Please let me know if I can be of any further assistance.

Sincerely yours,

John E. Collingwood
Inspector in Charge
Office of Public and
Congressional Affairs

Margaret R. Owens
By: Margaret R. Owens
Unit Chief

Enclosure



RESPONSES TO JULY 12, 1996 LETTER

- 1 - The date the FBI received a request for previous FBI background reports on Mr. Emery.

A review of Christopher Beauregard Emery's background investigation folder reflects that a request was received from the White House on September 22, 1993 for previous reports.

A review of the informal work papers maintained in the Special Inquiry and General Background Investigations Unit (SIGBIU) (as it is now known) reflect that a second request for previous reports was made on January 6, 1994.

- 2 - The date the FBI forwarded copies of Mr. Emery's background investigation to the White House.

A review of Christopher Beauregard Emery's background investigative file reflects that on September 27, 1993, the FBI's Executive Agencies Subunit (EASU) (as it is now known), provided the White House with the March 11, 1986 Summary Memorandum reflecting the results of Mr. Emery's background investigation.

Further, on January 7, 1994, the SIGBIU provided the White House with another copy of the March 11, 1986 Summary Memorandum as well as a copy of the January 9, 1991 Summary Memorandum reflecting the results of the five year re-investigation.

- 3 - Provide the year(s) in which Mr. Emery was the subject of FBI background investigations.

A review of Mr. Emery's background investigation file reflects that a background investigation was received on February 10, 1986 and the Summary Memorandum was dated March 11, 1986. The five year re-investigation request was received on August 20, 1991 and the Summary Memorandum was dated January 9, 1991.

- 4 - Were all of Mr. Emery's FBI background reports forwarded to the White House?
Yes

If so, on what date(s)?

See answer to Number 2 above.

What office were the reports sent to?

The reports were provided to the White House Office of Security.

07/15/96 18:22 202 324 8591

FBI OPCA

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5 - According to Mr. Emery, he submitted completed SF-86 forms to the White House in December 1993 to initiate an update FBI background investigation. Please advise me regarding the following matters:

(a) Did the FBI ever receive Mr. Emery's 1993 SF-86 form?

A review of the informal work documents maintained in the SIGBIU reveal that the White House submitted a form dated December 15, 1993 requesting a full field investigation for Mr. Emery. Notations on the form show it was received on January 5, 1994. Attached to the form was a consent form for a background investigation dated November 15, 1993 and signed by Mr. Emery as well as a completed SF-86 which was signed on December 11, 1993. (Four other forms were received at that time as well.) By informal communication to Mary Anderson, White House Office of Security dated January 7, 1994, Mr. Emery's SF-86 and consent form was returned to the White House along with the other four requests and support documents. That informal communication noted that the White House may not have received the latest five year reinvestigation Summary Memorandum which was being enclosed along with the 1986 Summary Memorandum. Further, the White House was advised that the FBI was not initiating a background investigation on Mr. Emery or the other four individuals.

(b) Please provide the date the SF-86 form was received by the FBI.

January 5, 1994

(c) Was an FBI background initiated for Mr. Emery in 1993?

No

(d) Was a background investigation completed on Mr. Emery in 1993?

No

If not, was the investigation initiated but terminated prior to completion?

No investigation was initiated.

(e) If the investigation was terminated, please provide any correspondence or notification the FBI received to terminate the investigation. Provide the date the notification for termination was received.

Since the investigation was not initiated there was no termination date.

6 - Please provide any materials the FBI has on any efforts on the part of the White House since January 20, 1993 to initiate any other updates of background investigations prematurely, including those referenced in Mr. Bourke's interview and any others.

Response to this inquiry will be provided separately.