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TESTIMONY
of
RICHARD A. HAUSER
before
Committee on Government Reform and Oversight
U. S. House of Representatives

June 19, 1996

Mr. Chairman and Members of the Committee, I am pleased to appear before you today as you address the important issue of White House handling of FBI background files for staff and political appointees. I hope that my experiences from the Reagan Administration will be helpful to the Committee.

I had the honor of serving as Deputy Counsel to President Ronald Reagan from early 1981 until my departure for the private practice of law in mid 1986. Since that time, I have been a partner with the law firm, Baker & Hostetler, and until April 1 of this year, I had the privilege of serving as Chairman of the Pennsylvania Avenue Development Corporation. Prior to my service as Deputy Counsel, my government experience included service in the White House Counsel's Office during the last year of the Nixon Administration and in the Office of the Deputy Attorney General. I also served as an Assistant United States Attorney in the Southern District of Florida and as law clerk to the Chief Judge of the United States District Court for that same district.

As Deputy Counsel, I was involved in the clearance process for Presidential appointees and White House staff. At some point in 1981, I was asked by Fred Fielding, Counsel to the President, to undertake a greater role in the review of background investigations and over time assumed primary responsibility. I would continue to share and discuss with Mr. Fielding background reports that raised questions and required his judgment because of the issue, position, or individual involved. The results of the background report would be considered along with responses to the confidential White House counsel's questionnaire and compliance with the requirements of the Ethics in Government Act before an individual would be cleared for appointment or, in the case of staff, a permanent pass issued. I would note that the Reagan Administration was the first incoming administration to have to deal with the public financial disclosure statements and other provisions of the Ethics Act, and to assist us, a senior attorney was detailed to our office from the Office of Government Ethics.

Background reports were treated with great respect and access was restricted to the Counsel's office. To my knowledge, and I have discussed this with Fred Fielding, background files were never shown to others in the White House including the President, Vice-President, Chief of Staff, or the Director of Presidential Personnel. It was understood and accepted that it was the Counsel's job to decide whether clearance should be approved, and this decision would have been made by Mr. Fielding or me. Certainly, there were a

small number of instances in which aspects of a background report would have been discussed, but it was on a need to know basis and without sharing the file.

Our system also involved careful handling of background files of nominees requiring Senate confirmation. In those instances, a nominee's background would be shared, upon request, with the Committee Chairman and Ranking Member, or other member designated by them, but here, too, the control was tight. The file would be taken by an attorney in the Counsel's office and made available for the Member's review in the attorney's presence. The file would then be returned in the attorney's custody to the White House.

In addition to the appointment process and staffing of the White House, which was a continuing process throughout the Administration, the files of White House staff, career or appointed, would be updated on a routine basis, usually every four years. These, too, would be reviewed by me if they contained any derogatory information, and access to the files was similarly limited. I do not recall any instance in which the report of an official from a prior administration was requested unless it was in connection with an appointment by President Reagan.

Restricting access to the information contained in the FBI background reports was intended to serve two important purposes:

1. Assuring the privacy of the prospective appointee or staff member; and
2. Maintaining the integrity of the background investigation process.

These issues have larger public policy implications. There is already a significant loss of privacy imposed on individuals entering public service, and the careless treatment of privacy protections will surely be a deterrent for some considering public service. When called, some will stand aside. I am personally aware of highly qualified individuals who refused the call to serve fearing loss of privacy. This response is likely to be reinforced by a breakdown in the handling of FBI files. The ramification for staffing future Administrations is serious.

Moreover, a background report is designed to produce complete and accurate information on the character, associates, reputation, and loyalty of the subject of the background check. Understandably, when interviewed by the FBI, friends, associates, co-workers, and neighbors of the subject are often reluctant to be candid, particularly if they are aware of derogatory information, for fear that it may be leaked or improperly circulated. As a consequence, these sources may "sugar coat" important information or seek anonymity for fear of attribution, thus diluting the quality and usefulness of the background report. We can all recall instances where issues relating to suitability were not adequately surfaced during a background investigation. This problem is likely to be compounded in the future. This is also a concern shared by the FBI.

Finally, the careless or casual handling of matters so sensitive and personal as background investigations erodes the confidence of citizens not only in the integrity of the decision making process but in government generally. Once this trust is lost, it is hard to regain.

I would also like to make a brief comment about the Special Inquiry ("SPIN") unit of the FBI. I had the privilege of working with several chiefs of that unit who were dedicated, hard working, and responsive. We worked cooperatively to improve and expedite the background investigation process, and any problems encountered would be discussed and resolved. Our experiences, for example, led to a revision of the Standard Form 86, used to commence a background investigation, by eliminating certain unnecessary data, which slowed down the process, and requesting other pertinent information.

I hope this information is helpful, and I would be pleased to answer any questions Members of the Committee may have. Thank you.

STATEMENT OF ARTHUR E. CULVAHOUSE, JR.
BEFORE THE COMMITTEE ON GOVERNMENT REFORM
AND OVERSIGHT, UNITED STATES HOUSE OF REPRESENTATIVES
WEDNESDAY, JUNE 19, 1996

Mr. Chairman and Members of the Committee, I am pleased to respond to your request that I provide information regarding the handling of Federal Bureau of Investigation background investigation reports by the White House during my tenure as Counsel to the President.

I had the privilege of serving as White House Counsel to Ronald Reagan for 22 months beginning in March 1987. President Reagan appointed me as Counsel to the President at the recommendation of the President's new White House Chief of Staff, Senator Howard Baker. I had previously served as Senator Baker's Chief Legislative Assistant from 1973 to 1976, including the majority of time he served as Vice Chairman of the Senate Watergate Committee.

When I arrived at the White House, I found the existing process and procedure for clearing both White House pass holders and presidential appointees to be very professional, confidential and exacting. That professionalism and culture was a tribute to my predecessors and colleagues from recent Administrations from both political parties, who recognized the solemn legal and ethical obligations attendant to reviewing FBI background investigation files. Those files are very personal and very

private; and I believe that a significant number of the FBI files which I received contained at least some negative or derogatory information because the background investigation process, in terms of the questions asked on Standard Form 86 and by the FBI field interviewers, affirmatively encourage the furnishing of any information that arguably may call into question the individual's suitability for Presidential or White House appointment.

Only specific trusted White House staff were authorized to request or to review FBI background investigation files. The process was ably administered, in the first instance, by Jane Dannenhauer, Assistant to the Counsel to the President for Security. With respect to individuals being considered for White House passes, Ms. Dannenhauer would review the files and then discuss them with the Deputy Counsel to the President, who would discuss any serious issues or concerns with me.

With respect to FBI files relating to individuals being considered for Executive Branch nomination or appointment by the President, those files were reviewed by the Assistant to the Counsel to the President for Security and by the Deputy Counsel to the President. I, as Counsel to the President, was more likely to review the FBI files of potential Executive Branch nominees and appointees and would discuss with the Deputy Counsel any suitability or qualification issues or concerns that arose during the FBI background investigations of those individuals.

The only other person on my staff other than Ms. Dannenhauer and the Deputy Counsel to the President authorized to review any FBI files was a special senior Associate Counsel to the President who was responsible for processing potential nominees to the Federal Judiciary. Because of the volume of material collected with respect to those nominations and the constitutionally sensitive obligations inherent in clearing nominees for lifetime appointments to the Federal Judiciary, that Associate Counsel would review those FBI files and would identify any issues or concerns therein for consideration by the Deputy Counsel and me during our review.

We did not share any of the information in the FBI files, whether relating to pass holders, potential appointees to Executive Branch positions or potential Judicial nominees, with any other person in the White House. This was true even in cases where other senior White House staff, with good reason and with the best of intentions, would inquire why a potential individual's clearance or nomination was put on hold by my office or had not been cleared by my office. I believe that my colleagues in the White House respected the integrity of the process, and I view that respect as a tribute to, in Judge Freeh's words, the "honor and good faith" of those administering the process. (Principally Jane Dannenhauer and the Deputy Counsel to the President -- in my case, the Deputy Counsels to the President with whom I served were Jay Stephens, who was a former Deputy Associate Attorney General and former Assistant

United States Attorney, and Phil Brady, a former Associate Deputy Attorney General, former Acting Assistant Attorney General and former state deputy attorney general).

I also believe that the FBI liaison representatives with whom we consulted were equally professional and equally committed to a process that protected the confidentiality and privacy interests of those undergoing background investigations, while insuring the security of the President and providing necessary and important information regarding the suitability of potential appointees to Executive Branch positions.

I have read with interest the recommendations of the FBI for certain procedural reforms for handling background investigation files. I find those recommendations to be generally laudatory. There are very few things in government that cannot be improved after 30 years of experience. Certainly, the FBI, and the President, are entitled to assurances that FBI files, name checks and background investigations are requested for valid reasons and with the knowledge and authority of senior White House counsel. In the case of my tenure as Counsel to the President, I believe that these suggestions would not have necessitated any substantive change in our internal White House procedures with respect to clearing nominees and senior White House staff (since the Deputy Counsel or other senior Counsel's Office staff approved all such requests), but would have required more specificity in our transmittals to the FBI and perhaps more

involvement of senior White House lawyers with respect to requests to the FBI relating to pass holders with less senior positions.

In considering improvements, the paramount concern must be protecting the privacy interests of the individuals undergoing the background investigations and protecting the confidentiality of those files. The personnel clearance process can be only as good as the information provided for review. If individuals undergoing clearance, or sources interviewed by the FBI, are concerned that the information contained in FBI files will be shared with unauthorized individuals or treated cavalierly or disseminated widely, the FBI, the White House Counsel and ultimately the President will receive less candid information and perhaps even false information. Inadequate or false background information poses a risk to presidential security in the case of White House pass holders and makes it more difficult for Presidents and their senior advisors to evaluate the suitability of potential nominees. There are substantial and serious personal privacy issues at stake. There are also substantial and serious security and good government issues at stake. Both considerations require the best protection we can devise.

Thank you, Mr. Chairman, for the opportunity to convey these opening remarks.

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

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June 8, 1996

Jane Sherburne, Esquire
Special Counsel
The White House
Washington, D.C. 20500

Dear Ms. Sherburne:

I understand that you refused a Committee request to provide the name of the unidentified "clerk" who sought Billy Dale's FBI files on behalf of the White House. Now that Craig Livingstone's attorney has identified the individual as an "Army detailee" and interviewed him, I would hope that the White House will not continue to withhold from the Committee the name of this person as well as any other individuals involved in this matter. The latest report of the 300 plus files also raises serious new concerns.

I have been informed that the White House provided the press with a list of names of individuals whose files were requested by the White House Counsel's office. While the Committee does not wish to obtain the actual FBI background records of any of these individuals, I request that you provide all documentation indicating any such requests and all records concerning what was requested and/or received including the dates when such documents were requested and/or received. Please include in your response all "lists" of names that the White House alleges was used for this process.

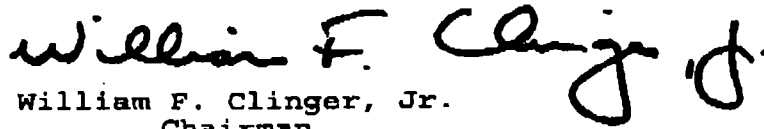
The initial "list" of names that the White House has provided to the press does not list Mr. Barney Brasseux as one of the individuals whose files were requested. I have been informed that the White House believes there to be another "list" which contains additional names of individuals whose files were requested. The FBI has confirmed that Mr. Brasseux's file was among the individuals whose files were sought by the White House

Ms. Sherburne
June 8, 1996
Page Two

in 1993. These records have not been produced to the Committee to date and they are not listed on the privilege log of subpoenaed records that the White House continues to withhold under a claim of executive privilege.

Please provide all requested information and documentation no later than 5 p.m. on Monday, June 10, 1996.

Sincerely,


William F. Clinger, Jr.
Chairman

cc: The Honorable Cardiss Collins

TESTIMONY
of
JANE DANNENHAUER
before
Committee on Government Reform and Oversight
U. S. House of Representatives

June 19, 1996

Mr. Chairman and Members of the Committee:

My name is Jane Dannenhauer. I retired in March 1993 from the Federal Government with over 27 years of service.

I departed the White House Staff on March 1, 1993. Until January 20th of that year, I held the position of Assistant to the Counsel to the President with the responsibility of directing the White House Security Office under the Counsel to the President.

Our Security Office, with a staff of five, was responsible for providing, through Secret Service, clearance into the White House Complex all White House Personnel, and all other permanent staff of support offices, such as Records Management, Correspondence, Communications, Telephone Operators, and other offices that continue operation from administration to administration.

At the beginning of a new administration, the major thrust obviously is to clear all new White House personnel. They along with the prospective Presidential Appointees have the very highest priority in our clearance process. Prior to January 20, 1981, the focus was to provide the names of new staff members to Secret Service along with the FBI Name Check information to allow admittance to the Complex on the appointed day.

After January 20, and for several months thereafter, the White House Security Office was consumed with the collection of Standard Form 86, completed and signed, from the proposed Presidential Appointees and new White House staff members for the FBI to complete the background investigations as expeditiously as possible.

Later in the first year of a new administration, as time permitted, we started the process of reconstructing the files on support personnel. Although this project was not a priority, it was necessary to have the prior FBI reports of these current employees in order to implement the policy of updating background investigations on a four-year cycle. The

reason this project was not a top priority was the fact that these employees had completed background investigations and held permanent passes. In this connection, we requested and received from the FBI copies of these previous reports. These reports were placed in our vault and the dates of completion recorded in a log to determine when to begin the four-year update in each case. Each previous report received from the FBI was reviewed by me and sent to the Deputy Counsel or Counsel, if an earlier update might be indicated. In this manner, Counsel was aware of any possible problems with the existing personnel as well as the new personnel. This update process continued throughout each administration of which I was a part and included only those employees currently working at the White House. During the years I was responsible for the Security Office, I was very fortunate to have dedicated and loyal staffs who were honored to serve the Presidency. There were no detailees from other agencies in the Security Office, or volunteers without full FBI background investigations. In the Reagan and Bush administrations, my assistant was Nancy Gemmell who worked with me for twelve years, and she, as well as our other three assistants, were detail-oriented and meticulous with the handling and storage of these very private files. They and the staffs of prior years were well aware of the sensitivity of the files and the extreme caution needed to protect them.

I was privileged to serve in four administrations, starting in October 1972 with the Nixon administration. I was employed by the Ford, Reagan and Bush administrations in the same capacity. Also at the request of Mr. Robert Lipshutz, Counsel to President Carter, I and one of my assistants remained for two and one-half months to train a new staff member and to await a director. By so doing, such assistance ensured a smooth transition.

I would be pleased to answer your questions. Thank you.

THE WHITE HOUSE
WASHINGTON

September 9, 1996

BY FACSIMILE

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

Dear Barbara:

I am writing in response to your letter of September 6, 1996, seeking information regarding the dates of certain telephone messages we produced to the Committee.

As I told you in my letter of August 21, 1996, the date of the message bearing Bates number CGE 49928 is February 25, 1994. According to our best information, the other messages you identified were taken in the following years:

CGE 54248-54250	1995
CGE 54251-54259	1994
CGE 54260-54261	1995
CGE 54262-54263	1994
CGE 54264-54266	1995
CGE 54267-54269	1994
CGE 54270	1995
CGE 54271-54272	1994
CGE 54273	1995
CGE 54274-54275	1996

Please call me if you have questions.

Sincerely,

Jane Sherburne/MN

Jane C. Sherburne
Special Counsel to the President

cc: Donald Goldberg
Professional Staff Member

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September 6, 1996

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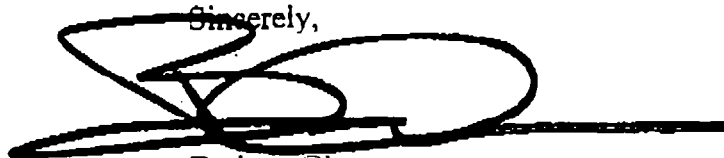
Jane C. Sherburne
Special Counsel to the President
The White House
Washington, D.C. 20005

Dear Ms. Sherburne:

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

Thank you for your prompt attention to this matter.

Sincerely,



Barbara Olson
Chief Investigative Counsel

THE WHITE HOUSE
WASHINGTON

September 10, 1996

BY TELECOPY

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

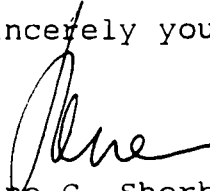
Dear Barbara:

In response to the voice mail you left for me I am providing another copy of DF 780340. If the telecopy is not legible, please let me know and I will have a legible copy hand delivered.

You also asked about notes related to the review of the Aldrich book. I understand that those who participated in such a review did not maintain notes.

Please let me know if you have further questions.

Sincerely yours,



Jane C. Sherburne
Special Counsel to the President

Enclosure

cc: Donald Goldberg
Professional Staff Member

E-Mail

- ① Separate search for each week →
- ② Certain people → identify e-mail search parameters
- ③ Multiple requests from diff sources.
- ④ Budgeting constraints → WtAgent for managing info.

They want to make sure
Time & people & key word → →

→ long - Jane

Gough estimate →

all names in
a week

① Reconstruct e-mails
for week → take 20,000
Search for words
Billy Dale

② Likely of how sent
or received e-mail

Very simple searches → →

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

Dear Jane:

In your letter to me, dated September 10, 1996, you stated that "those" who participated in a review of the Gary Aldrich book did not maintain notes. Please identify the individuals who participated in the review of the Aldrich book and whether there were notes at one time. If such notes or memoranda existed at one time, explain what happened to them.

Thank you for your cooperation in this matter.

Sincerely,



Barbara Olson
Chief Investigative Counsel

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Congress of the United States

House of Representatives

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FACSIMILE TRANSMISSION

TO: Jane Sherburne
FROM: Barbara Olson
DATE: 9/10/96
PHONE: 225-5074

There will be a total of 2 pages, including this page.

Comments: _____

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

THE WHITE HOUSE
WASHINGTON

September 6, 1996

BY HAND DELIVERY

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

Dear Chairman Clinger:

This letter provides a status report on our response to the subpoena issued to the White House by the Committee on August 2, 1996. Although full compliance with the Committee's broad subpoena was not possible to achieve in the ten working days you provided for our response, we have been diligent in our efforts to collect and produce responsive material as promptly as possible. Indeed, since receiving the subpoena, we have produced over 3,000 pages to the Committee. We produced documents on August 20, August 21, August 27 and August 28, September 5, and are producing additional responsive material today. A production log is attached.

With our production today, we believe we are in substantial compliance with the subpoena.

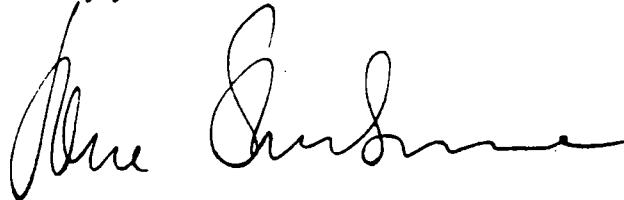
As we previously have explained, portions of our responses to the subpoena and your letter requests of June 12 and June 21, 1996 were delayed because the Office of the Independent Counsel had asked that we refrain from reviewing material in the Office of Personnel Security until they had completed their own review. With the exception of certain electronic records that we will review shortly, we now have completed our review of this material and are producing the remaining responsive material from that location today. In addition, although we reviewed files of former employees maintained by the Office of Records Management for responsiveness to the Committee's request of June 21, we must now review these records again for responsiveness to the Committee's subpoena. This is a time-consuming process that would have been accomplished more efficiently if your requests

Hon. William F. Clinger, Jr., Chairman
September 6, 1996
Page 2

for review of this material had not been staggered. Finally, should we locate any additional responsive material of which we are not now aware, we will produce it to the Committee promptly.

Our response with respect to each of the thirteen specific requests set forth in the August 2, 1996, subpoena is attached hereto. Please feel free to call me if you have any questions.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Jane C. Sherburne". The signature is fluid and cursive, with the first name "Jane" being more prominent and the last name "Sherburne" following in a similar style.

Jane C. Sherburne
Special Counsel to the President

Attachment
Enclosures

cc: Honorable Cardiss Collins

WILLIAM F. CLINGER, JR., PENNSYLVANIA
CHAIRMAN

ONE HUNDRED FOURTH CONGRESS

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MAJORITY—(1202) 225-5074
MINORITY—(1202) 225-5051

July 23, 1996

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

Dear Mr. Quinn:

In your June 20, 1996 letter, you stated that President Clinton told you "in the clearest terms that he wanted the American people to know the truth about what happened in [the FBI file] matter." Since then, the White House has failed to provide responses to numerous Committee requests for information and documents. At this point, I request that you give your immediate attention to the following open items still outstanding from Committee letters written to the White House between June 21 and July 8, 1996 (attached):

July 2, 1996, Letter to President Clinton:

- 1.) Who sponsored Mr. Livingstone during the Presidential transition for White House employment?
- 2.) What role did Eli Segal play in support of Mr. Livingstone's application? →
- 3.) Who provided letters of recommendation on Mr. Livingstone's behalf?
- 4.) Is it correct that although Mr. Livingstone was appointed on March 11, 1993, his security clearance was not approved until December of 1995?
- 5.) If Mr. Livingstone did not receive a security clearance until December of 1995, why did four White House Counsels permit him to review sensitive FBI background files?
- 6.) What role did Mr. Stephanopoulos play in hiring Mr. Livingstone and, considering their relationship, is it appropriate to have Mr. Stephanopoulos serve as your spokesman on this matter?
- 7.) What role did Mr. Stephanopoulos play in supervising Mr. Livingstone in the [Clinton/Gore '92 campaign] Counter-Event Operations office? If Mr. Stephanopoulos did not supervise this office, then who did?
- 8.) Has the White House conducted its own inquiry into the matter?
- 9.) Have any White House staff participated in interviewing participants in the FBI story during the last several weeks?

July 2, 1996, Request to White House Counsel Jack Quinn (due July 5): —

- 10.) How many versions of the Personal Data Statement Questionnaire have been used since January 20, 1993?
- 11.) To which employees or applicants were these questionnaires distributed? Which employees or applicants were directed to supply the information requested in the questionnaire -- by position, by employing office, and whether Title 3 or Title 5.
- 12.) What White House offices used this questionnaire for employment screening purposes?
- 13.) Which components within the Executive Office of the President used the questionnaire for employment screening purposes?
- 14.) Which offices and/or employees reviewed the completed questionnaire?

June 28, 1996, Request to White House Counsel Jack Quinn (due July 1):

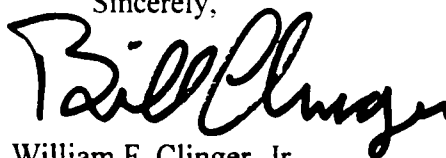
produce all that answer - will be in 84

- 15.) Please provide all records of interviews, recommendations, letters of reference and other information pertinent to the hiring of Mr. Livingstone.

June 21, 1996, Request to White House Counsel Jack Quinn (due June 24):

- 16.) When did Mr. Livingstone obtain his security clearance; what level of clearance did he receive, and who vetted him? → *in 84 - (*5 July 2)*
 - 17.) Please provide Usher's Records or Secret Service records for every occasion on which Mr. Livingstone has been in the White House residence from January 1, 1996, to the present. *no Usher Records; FI logs for May 1 → June, 1996; others will be produced etc*
 - 18.) Please provide all records of visitor logs for visitors to the White House who were waved in to see Mr. Marceca from August 1993 through March 1994 and any visits he made to the White House from January 1, 1996 to the present. *- in progress*
 - 19.) Please provide all records of visitor logs for visitors to the White House who were waved in to see Mr. Livingstone from January 20, 1993, to present. *(30 hrs)*
 - 20.) Please provide all records of phone logs or messages for Mr. Livingstone from January 20, 1993, to present. *- in progress*
 - 21.) Please provide all records reflecting any reprimands regarding issues related to White House passes or security clearances or the obtaining of FBI background files of William Kennedy, Craig Livingstone, Anthony Marceca, or any staff (paid or unpaid) of the Office of Personnel Security or White House Counsel's Office. *leaf, Nolan, Fein, as of now not aware of any resp. docs, still checking*
- I look forward to your response.

Sincerely,



William F. Clinger, Jr.
Chairman

WILLIAM F. CLINGER, JR., PENNSYLVANIA
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ONE HUNDRED FOURTH CONG

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE

WASHINGTON, DC 20515-

July 22, 1996

John M. Quinn, Esq.
Counsel to the President
The White House
Washington, DC

Dear Mr. Quinn:

Recent testimony given in both Committee depositions and Committee hearings has raised questions with respect to the process of granting security clearances to White House staff members. Please provide the following information regarding this process.

1. The name of the office or agency which has the responsibility of granting security clearances for White House staff members.
2. The name of the individual who is currently the head of that office or agency , and any other individuals who have headed that office since January, 1993.
3. The process by which an individual working in the White House obtains a security clearance. Please include in the explanation, a chain of command for the application and other paperwork, a description of the forms that are completed by the applicant, and where the records for the security clearances on White House staff are stored.
4. Please state whether current FBI full field background investigations are used in the completion of security clearances for White House staff members.
5. Please state whether the completion of a Name Check request can constitute the basis for a security clearance, for any purpose, in the White House.
6. State whether the process in place for the granting of security clearances in the White House has changed in any way since January of 1993. If so, please provide a full explanation of any amendments to the process, and the reasons for those amendments.

Rush TC : kw

Jodie
Chuck Esley

cc fyi -
James S
James B
Nelson
Esley

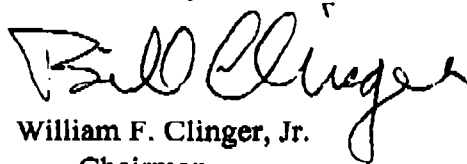
who is going
to draft reply?
JR

Quinn Letter,
Page 2

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

Thank you for your attention to this matter. I would appreciate your response by July 25, 1996.

Sincerely,


William F. Clinger, Jr.
Chairman

cc: Honorable Cardiss Collins

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

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Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

July 19, 1996

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INDEPENDENT

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

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

Dear Mr. Quinn:

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

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

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

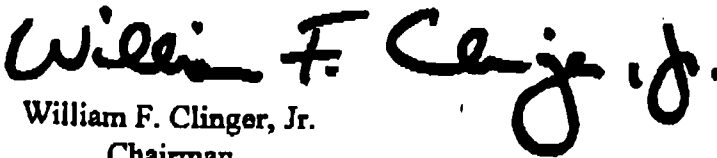
The Committee would appreciate receiving the following information in connection with the initiation and operation of the program for individuals at the White House with recent drug use. At this time, we are not requesting any information identifying the individuals involved in the individual random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

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

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

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

Sincerely,


William F. Clinger, Jr.
Chairman

WILLIAM F. CLINGER, JR., PENNSYLVANIA
CHAIRMAN

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Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

2157 RAYBURN HOUSE OFFICE BUILDING

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July 15, 1996

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BERNARD SANDERS, VERMONT
INDEPENDENT

MAJORITY—(202) 225-8074
MINORITY—(202) 225-0001

Mr. Terry Good
Director, Office of
Records Management
The White House
Washington, D.C. 20500

Dear Mr. Good:

As you know, the Committee on Government Reform and Oversight is reviewing actions related to the obtaining of hundreds of FBI background files. As part of this review, please provide all WAVES requests for Anthony Marceca or "Tony" Marceca from January 20, 1993 to the present.

I would appreciate receipt of these records by 5p.m. Tuesday, July 16, 1996 at 6p.m. Thank you for your prompt attention to this matter.

Sincerely,

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

cc: Rep. Cardiss Collins

WC

THE WHITE HOUSE
WASHINGTON

July 16, 1996

BY FACSIMILE

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

Dear Chairman Clinger:

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

Sincerely yours,



Jane C. Sherburne
Special Counsel to the President

cc: Honorable Cardiss Collins

WILLIAM F. CLAY, JR., PENNSYLVANIA
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House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

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July 2, 1996

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

Jack Quinn, Esquire
Counsel to the President
The White House
Washington, DC

Dear Mr. Quinn:

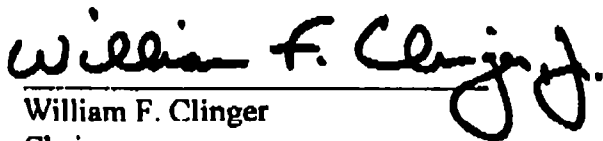
During the course of the Committee's investigation into the White House Travel Office matter, we have learned that the Office of White House Counsel developed and administered a "Personal Data Statement Questionnaire" to White House employees (see attached).

The opening statement on this questionnaire reads: "As part of the clearance procedures for your prospective position, please answer all of the following questions." The forty-three questions which follow pertain to personal data involving one's family, educational, and professional background. There is an additional section which includes questions relating to one's political party affiliation. The Government Reform and Oversight Subcommittee on Civil Service holds jurisdiction over all matters pertaining to federal employment. Thus, we request further clarification concerning who administered, received, and answered these questionnaires. Please supply the Committee with the following:

- 1) How many different versions of the Personal Data Statement Questionnaire have been used between January 20, 1993 and this date. Please enclose copies of each such version and indicate the specific period of time during which it was used.
- 2) To which employees or applicants were these questionnaires distributed? Which employees or applicants were directed to supply the information requested in the questionnaire? Please specify employees by position, by their employing office in the White House, and indicate whether each employee was appointed (or to be appointed) under title 3 or title 5 of the United States Code.
- 3) What offices at the White House used this questionnaire for employment screening purposes? Which components within the Executive Office of the President used the questionnaire for employment screening purposes.
- 4) Which offices and/or employees reviewed the completed questionnaires?

Thank you for your prompt attention to this matter. Please provide this information to the Committee by 3:00 P.M. on Friday, July 5, 1996.

Sincerely,



William F. Clinger
Chairman
Committee on Government Reform & Oversight



John L. Mica
Chairman
Subcommittee on Civil Service

DAN BURTON
5TH DISTRICT, INDIANA

COMMITTEES:
INTERNATIONAL RELATIONS

SUBCOMMITTEE:
WESTERN HEMISPHERE
CHAIRMAN

GOVERNMENT REFORM AND OVERSIGHT

SUBCOMMITTEE:
CIVIL SERVICE



Congress of the United States
House of Representatives
Washington, DC 20515-1406

June 21, 1996

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WASHINGTON, DC 20515-1406
TELEPHONE: (202) 225-2276

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SUITE 1050
INDIANAPOLIS, IN 46240
TELEPHONE: (317) 848-0201
TOLL-FREE: (800) 382-6020

435 EAST MAIN STREET
SUITE J-3
GREENWOOD, IN 46142
TELEPHONE: (317) 882-3640
TOLL-FREE: (800) 678-3642

The Honorable William J. Clinton
President of the United States
The White House
1600 Pennsylvania Avenue N.W.
Washington, D.C. 20500

Dear Mr. President:

As a result of the recent revelations concerning the White House's acquisition of former employees' FBI files, Congress and the American public need to know if the White House also requested the IRS or any other agency to provide information from these individuals' tax records. Toward this end, I request your responses to the following specific questions.

Did the White House request information from the IRS on Mr. Billy Dale or any of the other former White House Travel Office employees, or on any other White House employees who served in previous administrations? Did the White House obtain personal tax information on Mr. Dale or on anyone else from any source, including the IRS, the FBI, or another agency?

Did the IRS or any other agency disclose any tax information subject to the Privacy Act to the White House, in response to a White House request or otherwise? If so, under what authority was the information provided, and who on the White House staff made this request? Please provide a list of all people, if any, whose personal tax records were provided to the White House from any source.

It is my understanding that other Federal agencies are, by law, expressly forbidden access to individual tax records without the written consent of the taxpayer, with an exception for criminal investigations by the Justice Department. Please advise if the White House is also exempt from this law.

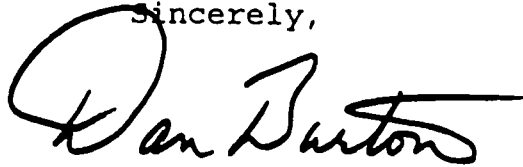
Counsel

*12 Jans
The Reply*

in law

As you know, the Government Reform and Oversight Committee is currently holding hearings on this issue, and I would request an immediate reply with answers to the above questions.

Sincerely,

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

Dan Burton
Member of Congress

DB:jts

WILLIAM F. CLINGER, JR., PENNSYLVANIA
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Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

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INDEPENDENT

MAJORITY--(202) 225-8074
MINORITY--(202) 225-6051

June 21, 1996

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

Dear Mr. Quinn:

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

Subj. of
investig.

concord
answery

Subj. of
investig.

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

share
Copy

In addition, I request the following information:

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

can give what
we know
JCS

give what
we know
JCS

can be
determined
JQ

Last
Salary

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

4. The names of all individuals who have worked in the Office of Personnel Security as interns, employees, or detailees since January 20, 1993 to the present and when each individual received his or her security clearance. *can be det. (SQ)*

5. The names of all interns who worked in the Office of Personnel Security from January 20, 1993 to the present. "

- doc search request*
6. All memos to and/or from Craig Livingstone, Anthony Marceca, William Kennedy, Bernard Nussbaum, Vincent Foster, Joel Klein, Lloyd Cutler, Abner Mikva, John M. Quinn, Jane Sherburne, Beth Nolan, Cliff Mauton, Christopher Cerf, Tray Schraeder, Ed Hughes, Jonathan Denbow, Mari Anderson or Ms. Lisa Wetzel regarding anything having to do with the updating of White House passes, security clearances, FBI background files or ~~any~~ operations of the Office of Personnel Security. Note: This would include all memos such as the "Personal Data Statement & Questionnaire" which was apparently sent to all holdover White House staff. (Please exclude confidential privacy act information and responses to the Personal Data Statement & Questionnaire.) *proceeding for (proceeding)*
- huh?*

7. Records of Craig Livingstone's entrances and exits to the White House complex from May 1, 1996 to June 20, 1996. *Wendy*

8. Any Usher's Records or Secret Service records of every occasion on which Craig Livingstone has been in the White House residence from January 1, 1996 to the present. *Wendy*

9. All records of visitor logs of visitors to the White House who were waved in to see Mr. Marceca for the entire time he was at the White House from August 1993 through March 1994 and any visits he has made to the White House from January 1, 1996 to the present. *Wendy*

10. All records of visitor logs of visitors to the White House who were waved in to see Craig Livingstone from January 20, 1993 to present. *Wendy*

- likely not done -- w/ lawyer*
11. All records of phone logs or messages for Craig Livingstone from April 1, 1993 - March 1, 1994 and from May 1, 1996 - June 18, 1996.

12. The salary history of William Kennedy from January 20, 1993 to the time he left the White House. *Wendy*

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

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

Sincerely,

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

THE WHITE HOUSE
WASHINGTON

June 10, 1996

BY TELECOPY

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

Dear Mr. Chairman:

This letter responds to your letter of June 5, 1996.

I understand that one of your staff made an oral request for information related to Billy Dale's FBI report. We asked that the specific request be put in writing in order to avoid the misunderstandings we have encountered in the past when trying to respond to oral requests from your staff. I am unaware of any written request by your Committee to me directly or to the White House for the name of the individual who requested FBI reports on Billy Dale.

Enclosed is the archive record of the personnel security files that we understand were assembled by the Personnel Security Office as the result of a mistaken understanding that these individuals continued to have access to the White House compound after the start of the Clinton Administration. We provided the actual files to the FBI on Thursday, June 6, 1996, after learning of their existence earlier in the day. We did not review these files or keep copies of them, including any documentation they may have contained that might indicate what and when records were requested or received.

We do not know what other lists may have been used by the Personnel Security Office in the course of efforts to update security files. We are cooperating with the efforts of the Independent Counsel to answer such questions. Mr. Brasseux's file, which we located among the security files maintained in the vault of the Personnel Security Office, was provided to the FBI today. The Committee's subpoena did not request this material, which is why it was not listed on the privilege index.

Hon. William F. Clinger, Jr., Chairman
June 10, 1996
Page 2

I also am enclosing a sworn declaration of Mr. Anthony Marceca that was offered to the White House today by his attorney. We understand that Mr. Livingstone's lawyer obtained the statement from Mr. Marceca yesterday and provided it to Mr. Marceca's attorney.

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

cc: Hon. Cardiss Collins

WILLIAM F. CLINGER, JR., PENNSYLVANIA
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Congress of the United States

House of Representatives

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INDEPENDENT

MAJORITY—(202) 225-6074
MINORITY—(202) 225-6801

June 8, 1996

Jane Sherburne, Esquire
Special Counsel
The White House
Washington, D.C. 20500

Dear Ms. Sherburne:

I understand that you refused a Committee request to provide the name of the unidentified "clerk" who sought Billy Dale's FBI files on behalf of the White House. Now that Craig Livingstone's attorney has identified the individual as an "Army detailee" and interviewed him, I would hope that the White House will not continue to withhold from the Committee the name of this person as well as any other individuals involved in this matter. The latest report of the 300 plus files also raises serious new concerns.

I have been informed that the White House provided the press with a list of names of individuals whose files were requested by the White House Counsel's office. While the Committee does not wish to obtain the actual FBI background records of any of these individuals, I request that you provide all documentation indicating any such requests and all records concerning what was requested and/or received including the dates when such documents were requested and/or received. Please include in your response all "lists" of names that the White House alleges was used for this process.

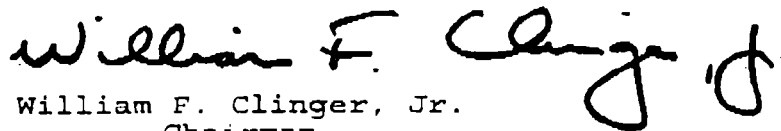
The initial "list" of names that the White House has provided to the press does not list Mr. Barney Brasseux as one of the individuals whose files were requested. I have been informed that the White House believes there to be another "list" which contains additional names of individuals whose files were requested. The FBI has confirmed that Mr. Brasseux's file was among the individuals whose files were sought by the White House

Ms. Sherburne
June 8, 1996
Page Two

in 1993. These records have not been produced to the Committee to date and they are not listed on the privilege log of subpoenaed records that the White House continues to withhold under a claim of executive privilege.

Please provide all requested information and documentation no later than 5 p.m. on Monday, June 10, 1996.

Sincerely,


William F. Clinger, Jr.
Chairman

cc: The Honorable Cardiss Collins

RESPONSE OF THE WHITE HOUSE TO THE AUGUST 2, 1996 SUBPOENA
TO THE WHITE HOUSE BY THE HOUSE COMMITTEE ON
GOVERNMENT REFORM AND OVERSIGHT

1. All records relating to Craig Livingstone's employment or services at the White House, job performance, as well as any actions taken concerning his status at the White House, his role and duties at the White House, and any records of the hiring and retention of Craig Livingstone (excluding only his FBI background file).

Response: We have provided all responsive White House records we have been able to locate. We have interpreted the limitation incorporated in the request to apply to all documents relating to Mr. Livingstone's clearance that reflect personal information.

(2) All communications and contact by Craig Livingstone with other White House or EOP employees regarding White House passes, the White House Military Office, advance work, FBI background investigations, or security clearances (excluding the contacts of any FBI background files).

Response: We have provided all responsive White House records we have been able to locate. To the extent the request calls for information regarding White House passes, FBI background investigations, and security clearances, we have interpreted the request consistently with our interpretation of Paragraph 6 of the Committee's June 21, 1996, request, as set forth in my letter dated July 9, 1996.

(3) All records relating to Anthony Marceca (excluding their FBI background file).

Response: We have provided all responsive records we have been able to locate. We interpret the limitation incorporated in the request to apply to all documents relating to Mr. Marceca's clearance that reflect personal information.

(4) All records relating to Lisa Wetzl (excluding their FBI background file).

Hon. William F. Clinger, Jr., Chairman
September 6, 1996
Attachment - Page 2

Response: We have provided all responsive records we have been able to locate. We interpret the limitation incorporated in the request to apply to all documents relating to Ms. Wetzl's clearance that reflect personal information.

(5) The names of all employees, detailees, assignees and/or interns who have worked in any capacity in the White House Office of Personnel Security from January 20, 1993, to the present.

Response: We provided the information available to us in my letter to the Committee dated July 9, 1996.

(6) All records from December 1, 1995, to present regarding contacts with any individual in the FBI General Counsel's office regarding any matters relating to Craig Livingstone, Anthony Marceca, Lisa Wetzl, Bernard Nussbaum, the First Lady, Billy Dale, Gary Wright, Barney Brasseux, John McSweeney, John Dreylinger, Robert Van Eimeran and Ralph Maughan and any matter related to the White House Travel Office, Dennis Sculimbrene, or Gary Aldrich and any matters relating to FBI background investigations and any matters relating to the FBI background investigations of Anthony Marceca and Craig Livingstone.

Response: We have provided all responsive White House records we have been able to locate.

(7) All records from May 1, 1996, to present relating to any contacts or communications regarding any information contained in the FBI background file of Craig Livingstone or Anthony Marceca.

Response: We have provided all responsive White House records we have been able to locate.

(8) All records from October 1, 1995 to the present relating to any contacts with any individual in the U.S. Department of Justice regarding the release of FBI files to the White House or any records relating to the proposed plea agreement of Billy Dale.

Hon. William F. Clinger, Jr., Chairman
September 6, 1996
Attachment - Page 3

Response: We have provided all responsive White House records we have been able to locate. We have not interpreted this request to seek information related to potential Presidential appointees.

(9) All records from December 1, 1995 to the present relating to any information provided to any individual at the White House regarding any actual or potential books being considered for publication as well as any notes, talking points, or communications regarding such publications.

Response: We asked your staff to focus this request so that we could avoid collecting material unrelated to your Committee's concerns. On Thursday, August 30, we received a letter from Ms. Olson informing us that the Committee would consider narrowing its request only after we had collected and identified to the Committee all material responsive to the current request. We promptly circulated the request as written to all staff of the Executive Office of the President. We will notify you when we have collected the responsive material.

Your staff indicated that you are interested primarily (although not exclusively) in the recently published book by Gary Aldrich. We have provided talking points and statements regarding Mr. Aldrich's book, which we prepared after publication of the book. The only document we have located relating to pre-publication review of Mr. Aldrich's book is the copy of the manuscript provided to White House Counsel Jack Quinn by FBI General Counsel Howard Shapiro. We do not know what, if any, material from this particular manuscript may have been deleted by Mr. Aldrich from the published book in response to any concerns that may have been raised by the FBI with Mr. Aldrich. In light of this

Hon. William F. Clinger, Jr., Chairman
September 6, 1996
Attachment - Page 4

consideration, we believe it appropriate to return the manuscript to the FBI, rather than provide it directly to the Committee.

(10) All records from January 20, 1993 to the present regarding the process by which White House passes are issued and delays in that process.

Response: Many documents relating to this issue were generated in the process of responding to the GAO audit and previous congressional inquiries relating to the pass issuance process. We have produced all of the responsive White House records we have located and processed to date. We expect to produce additional material shortly.

(11) All records relating to the initiation and administration of the White House's individual random drug testing program developed at or around the spring of 1994.

Response: We have provided records responsive to this request. We have interpreted your request not to call for documents that reveal information about individual participants in the program. As, we are not producing a few documents that describe methods of scheduling drug tests because their production may compromise the efficacy of the program. We will make the documents available for review by Committee staff upon request.

(12) All records relating to the implementation and administration of a new Security Clearance process in 1995.

Response: We have provided all responsive records we have been able to locate.

(13) All records relating to contacts that Craig Livingstone had with any Secret Service agent or law enforcement official regarding the death of Vincent Foster and all records of any contact or communication that Craig Livingstone had with anyone regarding Mr. Foster's office or documents in his office.

Hon. William F. Clinger, Jr., Chairman
September 6, 1996
Attachment - Page 5

Response: We have provided all responsive records we have been able to locate.

* * * * *

We have not interpreted the subpoena to call for draft or final communications with your Committee and other Congressional committees regarding the matters you are currently investigating or documents reflecting communications with or the investigative activities of the Office of Independent Counsel. We also have not provided internal memoranda relating to proposed amendments to the Treasury-Postal appropriations bill relating to the FBI files matter.

THE WHITE HOUSE
WASHINGTON

October 29, 1996

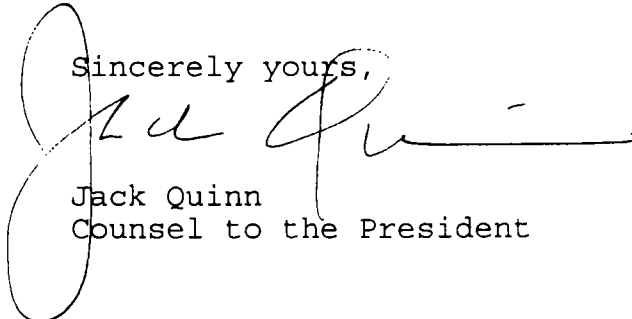
BY HAND

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

Dear Chairman Clinger:

This letter is in response to your letter to George Stephanopoulos of October 22, 1996. Enclosed are the documents you requested numbered CGE 56341-56445. We request that you treat these documents as "Highly Confidential" in accordance with the protocols set forth in Ms. Williams August 9, 1995 letter to Mr. Larsen.

Sincerely yours,



Jack Quinn
Counsel to the President

Enclosures

cc: Honorable Cardiss Collins (with enclosures)

for June

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Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

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PRESIDENT

MAJORITY -- (202) 225-8074
MINORITY -- (202) 225-8061

For Immediate Release
October 16, 1996

Contact: Eddie T. Arnold, APR
(202) 225-5006

CONGRESSWOMAN CARDISS COLLINS

QUESTIONS PURPOSE AND TIMING OF

CLINGER'S LETTER TO INDEPENDENT COUNSEL STARR

Washington, D.C. -- Congresswoman Cardiss Collins, the Ranking Member of the House Committee on Government Reform and Oversight, questioned the timing and the purpose of Committee Chairman William Clinger's October 15th letter asking Independent Counsel Kenneth Starr to review the testimony given to the Committee by Administration officials during the course of the Committee's partisan travel office investigation.

"Apparently Chairman Clinger's letter was timed for the eve of the Presidential debate as part of Senator Dole's desperate attempt to dirty President Clinton," Congresswoman Collins said. "This was obviously orchestrated with Newt Gingrich, leaders of the Republican party, and the Dole campaign as part of its efforts to set the tone for tonight's debate.

"Clearly this is a last-ditch attempt to salvage a failing Presidential campaign at the taxpayers' expense. The Committee's partisan witch-hunt found absolutely no evidence of criminal activity by any Administration official, nor did it uncover any evidence that the FBI files of former employees were used for political purposes," Collins added.

Congresswoman Collins called Chairman Clinger's letter to the Independent Counsel "Outrageous and absurd." In response to Clinger's allegations that Administration officials had resisted his partisan investigation, Collins noted that scores of Administration officials had been forced to testify repeatedly before the Committee in both hearings and depositions for hundreds of hours. In the case of Craig Livingstone, for example, she noted that he had testified for more than 40 hours and had never refused to answer a single question posed by the Republicans.

She contrasted this cooperation with Republican witness Gary Aldrich, the discredited former FBI agent who refused to answer more than 30 questions before the Committee.

"Attorney General Janet Reno already has requested that the Independent Counsel have broad jurisdiction over the travel office and FBI files issues, and he has been granted access to all of the testimony. I don't understand why Chairman Clinger would ask Mr. Starr to review

what he was already reviewing if not for partisan purposes.

"For Chairman Clinger, on the day of the last Presidential debate to now suggest that the Independent Counsel look at the testimony because his partisan efforts came up empty is a misuse of the Committee and his position as Chairman," Mrs. Collins added.

10/15/96 TUE 15:48 FAX

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OCT 15 '96 15:46 FR THE ASSOCIATED PRESS 9573++++ TO 94565055

P.01/02

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT**WILLIAM F. CLINGER, JR., CHAIRMAN****2157 RAYBURN BUILDING
WASHINGTON, D.C. 20515
202-225-5074****NEWS RELEASE***For Immediate Release**October 15, 1996**Contact: Edmond Amorosi
202-225-5074****Clinger Sends Travel Office and FBI Files Reports to Ken Starr***

(Washington, D.C.) -- Congressman William F. Clinger, Jr. (R-PA), Chairman of the House Committee on Government Reform and Oversight, today transmitted copies of the committee's investigative reports on the White House Travel Office and FBI files matter to Independent Counsel Kenneth Starr, who has jurisdiction over both matters. A copy of the letter of transmittal is attached. The Committee also provided summaries of the testimony of witnesses whose accounts appear to conflict with other testimony or evidence provided to the Committee. Due to their length, copies of the summaries can be picked-up in the committee office in 2157 Rayburn.

Clinger issued the following statement upon releasing the letter, "During the course of my investigation into the White House Travel Office and FBI files matters, we have encountered a systematic and sustained resistance to our oversight efforts, as well as an incredible display of faulty memories and missing documents.

"Our analysis of the documentary evidence and sworn statements suggests a significant degree of misconduct, as well as misleading and contradictory statements, that needs to be examined by the Independent Counsel. In particular, I have highlighted for the Independent Counsel's attention some of the testimony of Jane Sherburne, Harry Thomason, Craig Livingstone, Anthony Marceca, William Kennedy, Bernard Nussbaum, and Thomas F. "Mack" McLarty."

The Committee on Government Reform and Oversight is the chief investigative committee of the House of Representatives and has government-wide jurisdiction over all federal agencies, including the White House and the Executive Office of the President.

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P. 02/02

Honorable Kenneth W. Starr
Office of the Independent Counsel
1001 Pennsylvania Avenue, Suite 490 North
Washington, D.C. 20004

Dear Judge Starr:

This letter is to inform you of the status of the Government Reform and Oversight Committee's investigation into the White House Travel Office matter. Under cover of this letter, I am enclosing House Report 104-849, Investigation of the White House Travel Office Firings and Related Matters and Interim House Report 104-862, Investigation into the White House and the Department of Justice on the Security of FBI Background Investigation Files. As you are aware, the investigation into the Travel Office gave rise to the related investigation into the White House's wrongful request of FBI files of hundreds of former Reagan and Bush administration officials. That investigation is ongoing. While it is clear that the Committee is not charged with the responsibility to make determinations of statutory criminal violations, I have included a review of the most egregious examples of concern consisting of conflicting testimony among witnesses as well as evidence of contradictory and dubious actions by government employees.

I initiated inquiries into the Travel Office matter three years ago. However, my requests for documents and testimony were met with an unprecedented and total lack of cooperation by the White House and its current and former employees. It was not until the passage of House Resolution 169 and the resulting subpoenas, that the White House was compelled to release many of the documents which were crucial to the investigation. These subpoenas, however, did not prevent unjustified executive privilege claims over thousands of pages of Travel Office documents, the release of which ultimately was authorized by President Clinton. As you will see in your review of the House Reports provided herewith, the White House Counsel's office and its surrogates participated in an aggressive damage control operation, the effects of which are evident not only in the selective production of subpoenaed documents, but also in witnesses' testimony whose attorneys routinely submitted by post-deposition debriefings to the White House Counsel's Office.

As a result of the vague and often contradictory testimony elicited from witnesses in the past several months, I reviewed some of the relevant criminal statutes relating to perjury and obstruction of justice. Under the criminal code, a witness testifying under oath commits perjury if he gives false testimony concerning a material matter with the willful intent to provide false testimony, rather than as a result of confusion, mistake, or faulty memory. 18 U.S.C. § 1621, *et seq.*, *United States v. Judge Starr DeBrow*, 346 U.S. 374, 376 (1953). Based on the conflicting testimony presented to the Committee, these four elements should be scrutinized where applicable.

Furthermore, included within the statutes governing obstruction of justice, 18 U.S.C. § 1505 *et seq.*, are: section 1505 (obstruction of proceedings before departments, agencies and committees), section 1510 (obstruction of criminal investigations), and section 1512 (tampering with a witness). These sections appear to have relevance to many documented actions of particular witnesses who appear to have intentionally endeavored to influence, obstruct or impede pending proceedings. The Committee takes particular note that the act of concealing documents falls within the definition of the specific intent required for obstruction of justice, *U.S. v. Laurins*, 857 F.2d 5299 (9th Cir.), *cert. denied*, 492 U.S. 906 (1988). Moreover, the relevant cases indicate that a mere potential interference with a line of inquiry may be sufficient to establish materiality, regardless of whether the perjured testimony actually serves to impede the investigation. *See, e.g., Kungys v. Judge Starr United States*, 449 U.S. 759, 771 (1988); *United States v. Richardson*, 596 F.2d 157, 165 (6th Cir. 1979).

Finally, the Committee believes that given the internal discrepancies in testimony, the witnesses' lack of recall of material events as well as the conflicts between the White House's documentary evidence and the witnesses' respective sworn accounts, the enclosed materials are relevant and applicable for consideration in the context of your ongoing criminal investigation. The summaries of some of the testimonies of Jane Sherburne, Harry Thomason, Craig Livingstone, Anthony Marcoca, William Kennedy, Bernard Nussbaum, and Thomas F. "Mac" McLarty are attached for your review.

Please contact me if I can be of any assistance.

Sincerely,
William F. Chager, Jr.

THE WHITE HOUSE
WASHINGTON

September 30, 1996

BY HAND

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

Dear Chairman Clinger:

This letter is in further response to your follow-up questions regarding Request No. 11 of the Committee's August 2, 1996 subpoena. In your meeting with Kathleen Wallman and me, Barbara Olson went through my September 24, 1996 letter to you and indicated that she desired the following additional information and documents.

1. Titles of the books for which there were requests for prefaces or forewords by, or interviews with, the President for various books in progress:

The President was requested to write forewords or prefaces for Yitzhak Rabin, 1922-1995; Take Charge of Your Student Loan and WIN: The Guerrilla Guide to Researching, Repaying and Ridding Yourself of Student Loan Debt; an untitled textbook on Arkansas social studies; and The Human Radiation Experiments: Final Report of the Advisory Committee on Human Radiation Experiments. Interviews with the President were requested for The Choice; an untitled book on strategies to help people perform more effectively; and an untitled book on the Middle East.

2. The title of the book for which a request for an interview with the White House Press Secretary was made:

The book in progress was an as-yet untitled book on budget politics.

The Honorable William F. Clinger, Jr.
September 30, 1996
Page 2

3. Copies of documents regarding publication of the book Blood Sport:

Enclosed are the documents regarding Blood Sport, bearing the bates numbers CGE 56328-40.

4. The title of any book for which there were communications regarding the policy against the use of the White House or likeness, images, words or activities of the President or First Family in commercial ventures:

There was correspondence regarding an untitled booklet, not a book, on colonial Williamsburg communicating the prohibitions on using the President's name or image in a commercial venture.

5. The titles for any books published by the President, the Vice President, Mrs. Clinton and Mrs. Gore:

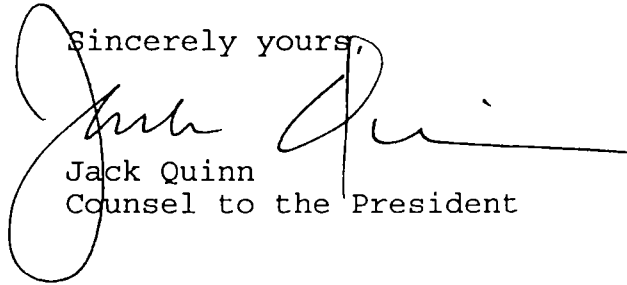
The President's book is entitled Between Hope and History; Mrs. Clinton's book is entitled It Takes a Village; and Mrs. Gore's book is entitled Picture This. Although published by the government, to the extent that the report generated by the National Performance Review, The Best Kept Secrets in Government, is considered a book authored by the Vice President, there are also responsive documents regarding that book.

Finally, after sending my September 24, 1996 letter, I received the following information which is also responsive to Request No. 11.

- The Vice President was requested to submit quotations, endorsements or forewords for the following books, all of which the Vice President declined: Electronic Democracy: Using the Internet to Influence American Politics; The Coming of the American Renaissance; Getting Your Children the Education They Deserve; The Natchez Trace Adventure Activity Book; Snoopy: Not Your Average Dog; and The Most Important Lessons in Life.

The Honorable William F. Clinger, Jr.
September 30, 1996
Page 3

Sincerely yours,

A handwritten signature in black ink, appearing to read "Jack Quinn", is written over the typed name and title. 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 Cardiss Collins

DOCUMENTS PRODUCED TO THE
HOUSE COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
ON SEPTEMBER 30, 1996

BATES NUMBER	SOURCE
CGE 56328-56340	Chris Lehane

WILLIAM F. CLINGER, JR., PENNSYLVANIA
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
DAN BURTON, INDIANA
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ONE HUNDRED FOURTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

September 26, 1996

GARDIS COLLINS, ILLINOIS
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TIM HOLDEN, PENNSYLVANIA

BERNARD SANDERS, VERMONT
INDEPENDENT

MAJORITY—(207) 225-6074
MINORITY—(202) 225-6081

Representative Paul Kanjorski
2429 Rayburn House Office Building
Washington, DC 20510

Dear Mr. Kanjorski:

I write out of a deep concern for the hostile environment created in a Committee deposition yesterday. During the deposition of Craig Livingstone, conducted by Majority Chief Investigative Counsel Barbara Olson, your actions were disruptive, obstructionist, and in my opinion, constituted outright harassment.

At numerous times while Ms. Olson was attempting to ask questions of the witness based on relevant White House documents, you interrupted, raising your voice, objecting out of turn, and intentionally creating an intimidating environment. On different occasions you pounded your fists on the table, leaned over the table, loudly demanded justification from Ms. Olson for her questions, while referring to her as "young lady." At one point you threatened to go outside to the press and attack her in the media. You even put your hand on another female staffer, Kristi Remington.

Ms. Olson and Ms. Remington are attorneys, hired by this Committee and authorized to conduct depositions. They should be treated with respect. Your suggestion that Ms. Olson give you her files so that you could conduct the deposition was not only unprofessional, but demeaning. The Committee Rules provide that Members can pose questions at any time, however you assumed the position of "counsel" to the witness, continually objecting to questions based on scope and pertinency. A staff deposition is not the proper forum for these objections. That is the role of the witness' attorney. As I stated in the deposition, Mr. Livingstone had an able attorney who also made numerous objections. As you have seen for the past three years, obstruction of this investigation,

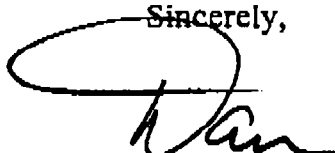
Rep. Kanjorski
September 26, 1996
Page 2

will only prolong it.

Furthermore, your actions in threatening and innapropriately touching female attorneys on the Committee staff are completely unacceptable. As a Member of Congress your actions are held to the highest scrutiny, and your conduct yesterday would not pass muster in any work environment that I am aware of. What you demonstrated toward the lawyers on this Committee is reprehensible. I should not have to remind you that we live in a society where even a six-year-old boy can be accused of sexual harassment for a kiss on the cheek of a young classmate.

I can only hope, that upon reflection, you will make the decision to conduct yourself in a more professional, more respectful manner toward the female staff members of this Committee.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan", with a large, loopy initial "D" that extends to the left.

Dan Burton

FAUL E. KANJORSKI
11TH DISTRICT, PENNSYLVANIA

COMMITTEE ON BANKING AND
FINANCIAL SERVICES

RANKING MEMBER:
SUBCOMMITTEE ON CAPITAL MARKETS, SECURITIES,
AND GOVERNMENT SPONSORED ENTERPRISES

COMMITTEE ON GOVERNMENT REFORM
AND OVERSIGHT

DEMOCRATIC WHIP-AT-LARGE



Congress of the United States

Washington, DC 20515-5811

September 27, 1996

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2429 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-3811
(202) 225-8511

MAIN DISTRICT OFFICE:

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WILKES-BARRA, PA 18701-2307
(717) 825-2200

TOLL FREE HELP-LINE
(800) 222-2348

Representative Dan Burton
2411 Rayburn House Office Building
Washington, D.C. 20515-1406

Dear Mr. Burton:

I, too, am concerned with the "hostile environment" created in the Committee on Government Reform and Oversight's deposition of Mr. Craig Livingstone on September 24. However, my actions did not create that environment. Instead, it resulted from the Majority's orchestrated campaign of politically motivated attacks on the President and harassment of witnesses over the last two years. A description of my many concerns follows.

First, I find your allegation that I inappropriately touched a female staffer at the meeting both preposterous and libelous. It is a clear effort to smear me in order to silence the Minority's legitimate concerns about the unprofessional and partisan activities of the Majority and its staff. Unequivocally, at no time during the deposition did I inappropriately touch Ms. Kristi Remington or any other member of the Committee staff. For virtually the entire meeting, male members of the Committee staff sat between me and Ms. Remington. This seating arrangement made it physically impossible for me to have touched her. Further, I find it difficult to believe that if you witnessed actual physical harassment that you would not have mentioned it at the time. Nor did Ms. Remington raise this charge during the deposition, which clearly she should have if the incident actually occurred.

Second, your letter demonstrates a shocking lack of understanding of the Rules of the House, the Rules of the Committee, and procedures for taking depositions. Your letter refers to the event as "the deposition of Craig Livingstone, conducted by Majority Chief Investigative Counsel Barbara Olson...". Such wording implies that the authority to take a deposition rested only with Ms. Olson and that I was interfering with her deposition. In fact, Committee rule 19(d) specifically provides:

(d) A deposition will be conducted by members or jointly by

- (1) No more than two staff members of the committee, of whom—*
 - (1.a) One will be designated by the chairman of the committee, and*
 - (2.b) One will be designated by the ranking minority member of the committee, unless such member elects not to designate a staff member. (emphasis added)*

It is no coincidence that the right to take depositions is vested first in Members, and only secondly and subordinately in staff. I would refer you also to Chairman William Clinger's letter of March 6, 1996 to Ranking Minority Member Cardiss Collins in which he states:

"However, in no way are the proposed committee rules intended to limit the ability of a member to participate and ask questions."

Third, your letter charges me with assuming the position of counsel to the witness. Clearly, the witness was adequately represented by his own counsel and at no time did I act as Mr. Livingstone's counsel.

Fourth, your letter suggests that a deposition is not the proper forum to raise questions of scope and pertinency. It is entirely appropriate to raise questions of scope and pertinency during a deposition. It is also appropriate to raise a point of order when counsel is badgering a witnesses, unnecessarily repeating questions which have been asked and answered, or otherwise engaging in dilatory activities. Before this deposition, Committee staff conferred with the House Parliamentarian on these issues. Just as in normal legal depositions, the Parliamentarian confirmed the appropriateness of objections during congressional depositions. In both types of depositions, legal standards dictate that participants should make timely objections to impertinent questions. Further, the Parliamentarian also confirmed that such actions are appropriate for both Members of Congress and staff. As you should also recall, Ms. Olson made dozens of similar objections when Minority staff attempted to question FBI Agent Gary Aldrich during his deposition. You cannot have one standard for you and your staff and another for the Minority and its staff.

Fifth, I agree with you that we should strive to achieve the highest level of professionalism in our activities in the House of Representatives, and I have consistently sought to maintain that standard. I, however, must respectfully disagree that my actions at the deposition were improper. Instead, my conduct was highly appropriate given that Ms. Olson and the other members of her staff were engaged in a fishing expedition designed to tire, pester, and badger Mr. Livingstone, an individual who had already testified under oath in excess of 30 hours to the Committee before Tuesday's 8½ hour session, and who needed to prepare for public testimony before a Senate Committee the following day.

Throughout this deposition, Ms. Olson consistently asked repetitive, ineffective, and inappropriate questions of the witness. Because I found Ms. Olson's method of questioning so tedious and unproductive, as a Member of the Committee, I asserted my right to ask her to get to the point. I also asked her to refrain from asking questions that had already been answered or which were beyond the scope of the Committee's inquiry. In some instances, I took over the questioning from Ms. Olson. On those occasions, I was able to conclude questioning in a matter of minutes, rather than the belabored and lengthy examination effort put forth by Ms. Olson.

At this deposition, Ms. Olson failed to perform as even an adequate lawyer. A good lawyer should focus on the facts and prioritize issues. A good lawyer should also remain calm and composed when questioning witnesses. Ms. Olson failed on each of these counts.

Moreover, I found it particularly distressing that Ms. Olson snickered throughout the Minority's questioning, and that she berated and insulted the witness's attorney. It was even more shocking for Ms. Olson to harass the witness by seeking to waive his attorney-client privilege, a well established legal doctrine.

In conclusion, I believe that Republican political operatives designed this latest round of depositions to divert the public's attention from the real story: Congress, as a result of its extensive investigations and intensive inquiries, has found no evidence of intentional wrongdoing or illegal acts by White House personnel. Your letter is obviously a desperate attempt to create a diversionary smoke screen to hide your lack of evidence on the issues we are supposed to be investigating. Instead of continuing such unnecessary partisanship in future sessions of Congress, I hope that we can work together to ensure that the Committee conducts such sensitive inquiries with the utmost level of professionalism and comportment.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul E. Kanjorski". The signature is fluid and cursive, with the first name "Paul" being the most prominent.

Paul E. Kanjorski
Member of Congress

PEK/tmh

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COMMITTEE:
COMMERCE
GOVERNMENT REFORM AND OVERSIGHT

PHILIP M. SCHIRO
ADMINISTRATIVE ASSISTANT

Congress of the United States
House of Representatives

Washington, DC 20515-0529

HENRY A. WAXMAN
29TH DISTRICT, CALIFORNIA

September 26, 1996

The Honorable Dan Burton
2411 Rayburn House Office Building
Washington, D.C. 20515

Dear Dan:

I have just read the letter you sent to Representative Paul Kanjorski today and am compelled to share my thoughts with you.

I am an attorney and have been a Member of Congress since 1974. I take very seriously the code of conduct attorneys should follow and the obligation Members of Congress have to act responsibly and fairly. In addition, I participated in over six hours of the Committee's deposition with Craig Livingstone on September 24, 1996.

Your letter is a tremendous disservice to Representative Kanjorski. He was not rude, demeaning, or obstructionist in any way, and it is offensive to me that you suggested his conduct constituted harassment.

This is what I observed. During the deposition the Republican Counsel repeatedly failed to accord Mr. Livingstone--who had by then been deposed for more than thirty hours by the Republican Committee staff--fundamental courtesies and instead exhibited rude and unprofessional behavior. This conduct included rolling her eyes and expressing disbelief at statements Mr. Livingstone made, asking questions in a disorganized and unnecessarily time-consuming manner, stating conclusions instead of questions, and attempting to ask questions beyond the scope of the deposition.

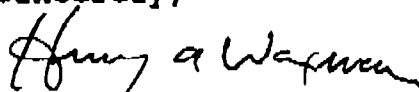
Mr. Kanjorski's objections--which I considered restrained given the circumstances--were never personal or without good basis. To the contrary, his interventions were absolutely necessary to defend the dignity and reputation of the Committee, and, perhaps most importantly, to instill a sense of fairness and objectivity to the deposition.

The Honorable Dan Burton
September 26, 1996
Page Two

What astounds me still is the unprecedented blanket delegation of authority to staff to conduct the depositions and this investigation. As Members, we all have a responsibility to guard against abuses of power, and Mr. Kanjorski's actions in this regard are in the finest traditions of the House. To criticize a Member for personally participating in this process is absurd.

Last, I want to respond to your insinuation that Mr. Kanjorski inappropriately touched the Committee's female attorneys. My staff or I were present at all times that Mr. Kanjorski was in the deposition room and we are shocked that you have made such an outrageous accusation. None of us observed any such behavior. Further, I find it impossible to believe that you or others present would not have immediately raised objections to inappropriate behavior should it have occurred. Accordingly, I believe Mr. Kanjorski deserves an immediate apology from you.

Sincerely,



HENRY A. WAXMAN
Member of Congress

WILLIAM F. CLINGER, JR., PENNSYLVANIA
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
DAN BURTON, INDIANA
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STEVE C. LATOURETTE, OHIO
MARSHALL "MARK" SANFORD, SOUTH CAROLINA
ROBERT L. EHLRICH, JR., MARYLAND

ONE HUNDRED FOURTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

September 25, 1996

CAROL COLLINS, ILLINOIS
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TIM HOLDEN, PENNSYLVANIA

BERNARD SANDERS, VERMONT
INDEPENDENT

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

Honorable Robert E. Rubin
Secretary
Department of the Treasury
15th and Pennsylvania Avenue
Washington, D.C. 20220

Dear Secretary Rubin:

Yesterday I received a package of materials supplied by the Independent Counsel to the White House relating to the FBI files investigation. These were documents from the Office of Personnel Security turned over by the White House when the investigation began. One of the documents is a list prepared by the Secret Service in June, 1993, entitled, "WAVES Exclusive Employer Directory for White House Operations Personnel," that included many names of individuals no longer employed by the Administration, including John Sununu, Samuel Skinner, Sherrie Rollins, Bob Teeter, Margaret Tutweiler, and Robert Zoellick, as well as present Administration employees such as Jodie Torkelson, David Watkins, and George Stephanopoulos.

This list gives further credence to the explanation that the requests of Anthony Marceca for FBI files of former employees were the result of a mistake, based upon his use of outdated files. However, it raises a serious concern as to why its existence was not previously brought to the attention of this Committee by the Secret Service.

On June 26, 1996, I wrote to your General Counsel Edward Knight to request a briefing for the Committee's Minority staff by the Secret Service to discuss the nature of lists provided to the White House and any possible problems with accuracy. Mr. Knight never had the courtesy to respond.

On July 17, 1996, Secret Service officials John Libonati and Jeffrey Undercoffer testified under oath before this Committee that it was impossible for the Secret Service to have been responsible for the outdated lists used by Mr. Marceca. They never described to the Committee Secret Service lists entitled "WAVES Exclusive Employer Directory for White House Operations Personnel." They also testified that any Secret Service list would clearly have distinguished between active and inactive passholders, even though the list provided by the Independent Counsel does not make such distinctions. The production of this Secret Service list now suggests that the testimony was erroneous.

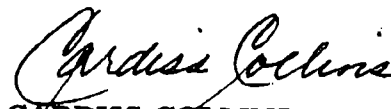
Honorable Robert E. Rubin
September 25, 1996
Page Two

In order to understand why this information was not provided to the Committee when requested, I therefore make two requests:

1) That you provide an explanation on how the list was prepared, why the Committee was not informed of the existence of such a list, and the shortcomings of such a list. Because the Committee will file a report on the FBI files issue as early as Saturday, September 28, I request that these answers be provided no later than 1:00 p.m. Friday, September 27; and,

2) That you direct the Inspector General of the Department to investigate the preparation of the testimony before this committee by Secret Service officials to determine how and why the testimony was developed that led to the conclusion that it was impossible for the Secret Service to provide lists with outdated names. If the Inspector General would like to review the transcript of the July 17, 1996, hearing, please have his office contact Minority staff at 225-5051.

Sincerely,



CARDISS COLLINS

Ranking Minority Member

CC:ds



DEPARTMENT OF THE TREASURY
UNITED STATES SECRET SERVICE

SEP 27 1996

The Honorable Cardiss Collins
Ranking Minority Member
Committee on Government Reform and Oversight
U.S. House of Representatives
Washington, D.C. 20515-6143

Dear Ms. Collins:

Your letter of September 25, 1996, to Secretary Robert Rubin has been forwarded to this office for a response to paragraph 1 of page 2 of your letter. As a preliminary matter, it is noted that Edward S. Knight, General Counsel to the Treasury Department, responded to your earlier letter dated June 26, 1996 by letter dated July 10, 1996. A copy of Mr. Knight's letter is enclosed for your convenience.

In response to your questions appearing at the numbered paragraph (1) on page 2 of your letter, the Secret Service can state that:

(1) The Secret Service does not know the circumstances surrounding the preparation of the recently released list. The Secret Service is not investigating this matter as the Office of the Independent Counsel is conducting the FBI background file investigation.

(2) The Secret Service did not know of the existence of the list released by the White House on September 25, 1996, at the time agency representatives testified before the Committee.

(3) The Secret Service is uncertain what the Committee means by its reference to "shortcomings of such a list." After reviewing the list recently released by the White House, it is noted that the data is configured in a customized fashion to include specialized data fields and to specifically exclude the active/inactive status.

The Secret Service strongly disagrees with your characterization of Secret Service testimony before your Committee. Secret Service officials have not said that "it was impossible for the Secret Service to have been responsible for the outdated list used by Mr. Marceca." As noted above, when Service Officials testified before your Committee on July 17, 1996, the

Secret Service was unaware of the existence of the list just released by the White House. At that time period the Secret Service was being shown a typewritten list of 476 names. Service representatives said that the list of 476 names was not a Secret Service list, and the Secret Service is still saying that. The master list produced by the Secret Service, which was regularly provided to the White House Office of Personnel Security, distinguished between active and inactive passholders. The Service has made clear that it has provided customized lists when requested to do so. The specific customized list released recently by the White House was not "outdated" or "inaccurate." In its customized form, it does not contain the field showing the status of the passholders (that is, active or inactive), which routinely appears on the master list. Since, as the Service has pointed out from the start of this matter, the database contains the names of inactive passholders from years ago, those names will appear on a customized list containing both active and inactive passholders.

The Secret Service has tried throughout this matter to be as straightforward and accurate as we can be, and we think we have done so.

Sincerely,



William Pickle
Executive Assistant
to the Director
(Congressional Affairs)

THE WHITE HOUSE

WASHINGTON

September 24, 1996

BY HAND DELIVERY

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

Dear Chairman Clinger:

I am enclosing a small number of additional documents responsive to the subpoena dated August 2, 1996. This production results from our continuing efforts to ensure that we have located and produced all responsive material. A production log is attached.

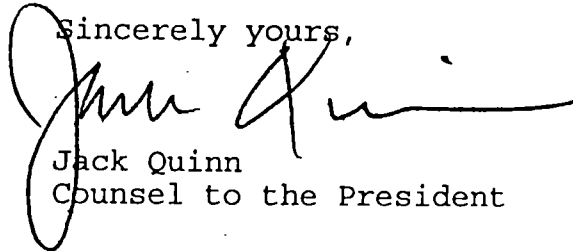
We have located a memorandum to the President from the White House Counsel and the National Security Advisor regarding White House security, drafts of the memorandum, and communications preparatory to the memorandum, which are arguably responsive to the August 2 subpoena. Protecting the confidentiality of communications like these is essential to ensuring the candid and thorough debate that enables our government to function in the public interest. It has, therefore, been the practice of this and prior Administrations to protect the confidentiality of such materials. Although we are not now in the position to give the Committee access to the material, we are prepared to seek to accommodate the Committee's need, if clearly shown, for information in these documents, in a manner that will protect the essential interests of the executive branch. Please contact me if you would like to discuss these documents further.

Finally, as you know, your subpoena excluded information in the FBI background files of particular individuals. As noted in earlier responses, we have therefore withheld all documents reflecting personal information relating to those individuals; we continue to do so, including materials which identify the FBI files of these individuals among those reviewed by the White House Counsel's Office over the last several years.

Hon. William F. Clinger, Jr., Chairman
September 24, 1996
Page 2

Please call me if you have any questions.

Sincerely yours,

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

Jack Quinn
Counsel to the President

Attachment
Enclosures

cc: Honorable Cardiss Collins

DOCUMENTS PRODUCED TO THE
HOUSE COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
ON SEPTEMBER 24, 1996

BATES NUMBER	SOURCE
CGE 55951-55979	National Security Council
CGE 55980-56021	Chris Cerf
CGE 56022-56024	William Kennedy
CGE 56025-56037	Patsy Thomasson
CGE 56038	Counsel's Office
CGE 56039	Chris Cerf
CGE 56040-56054	Counsel's Office

THE WHITE HOUSE
WASHINGTON

September 24, 1996

BY HAND DELIVERY

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

Dear Chairman Clinger:

I am enclosing copies of documents that we received this afternoon from the Office of the Independent Counsel (OIC), pursuant to a long outstanding request. The enclosed documents have been labeled with Bates numbers CGE 056055 through CGE 056328.

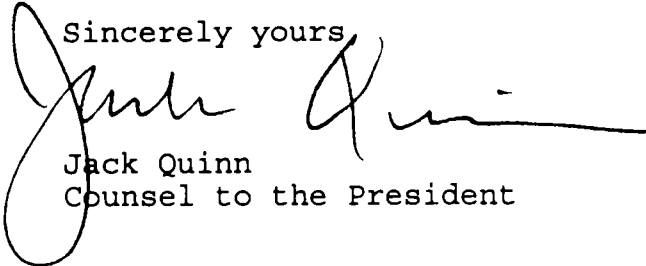
The enclosed documents were in the two boxes of files from the Office of Records Management that we provided to the FBI on June 6, 1996, when we learned the boxes contained FBI background files that had been requested mistakenly for people who no longer worked at the White House. At that time, we did not review or keep photocopies of these documents. We understand the FBI later provided the documents to the OIC. Having now received copies of the documents back from the OIC, we are in a position to transmit them to you.

The enclosed documents are a complete set of the documents we received today from the OIC. We have added our Bates number to the documents and have blacked out social security numbers to protect the privacy of those identified. The OIC has also provided us with full-sized color copies of the computer spreadsheets that are included in the production. We would be happy to make these copies available for review by the Committee.

Honorable William F. Clinger, Jr., Chairman
September 24, 1996
Page 2

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

Sincerely yours,

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

Jack Quinn
Counsel to the President

Enclosures

cc: Honorable Cardiss Collins

THE WHITE HOUSE

WASHINGTON

September 24, 1996

BY FACSIMILE

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

Dear Chairman Clinger:

This letter is in further response to Request No. 11 of the Committee's August 2, 1996 subpoena and the subsequent correspondence about that request, including a September 10, 1996 letter from Ms. Barbara Olson. As you will recall, we asked that this request be narrowed to call only for those documents reflecting communications relating to Gary Aldrich's book or similar circumstances. It may be difficult to appreciate the volume of unsolicited material sent to the White House that authors hope will be read and "reviewed" here, or to appreciate the number of publications released by the agencies of the Executive Office of the President in the course of a year's work. Our concern about the breadth of the request was that it would call for all documents related to these unremarkable publications -- irrelevant to your inquiry and burdensome for us to collect. Hence our request for a focusing of the subpoena.

Nevertheless, your staff declined to narrow the request, but did offer, as an alternative to producing responsive documents (in addition to those related to Mr. Aldrich's book), to accept a list of the books and a description of the documents. Even this restriction generated a large number of questions and concerns for White House staff looking for responsive documents, which impeded our response.

As you know, we have already provided to the Committee all responsive documents which related to Mr. Aldrich's book. The individuals involved in reviewing the manuscript (Jack Quinn, Kathy Wallman, Chris Cerf, Marvin Krislov, Cheryl Mills and Dawn Chirwa) made or retained no notes and kept no copies of the manuscript after their review, except for the version of the copy that has already been provided to you. Further, in response to a White House-wide request following receipt of your Committee's

The Honorable William F. Clinger, Jr.
September 24, 1996
Page 2

subpoena, we have received no documents or information which suggest that there are any other manuscripts or information provided to the White House under any circumstances similar to those surrounding the Aldrich book. Instead, the remaining responsive documents concern the following publications:

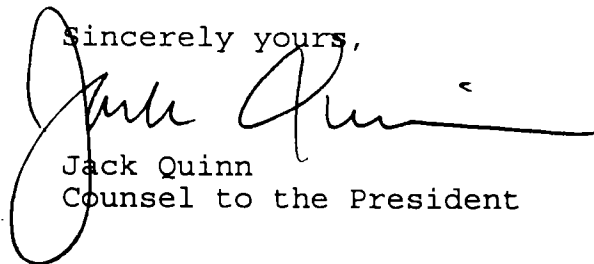
- unsolicited requests from the public that relate to either published or unpublished books from offices such as the correspondence office. Locating responsive documents would be very burdensome, requiring reviewing of hundreds of documents in most of the files in the offices.
- an unpublished volume for Masters of Modern Physics, including correspondence about the contents and foreword, to the Assistant to the President for Science and Technology;
- correspondence to the National Security Advisor to consider a book project;
- communications with individuals in the Office of Science and Technology Policy requesting fact-checking, book "blurbs" and/or forewords for various manuscripts;
- scientific opinions from various agency scientists and communications regarding an introduction by the Vice President to "Our Stolen Future," a book on the endocrine system and certain chemicals;
- communications to the Council of Environmental Quality regarding "Charging Ahead: The Business of Renewable Energy and What It Means for America";
- communications regarding requests for prefaces or forewords by or interviews with the President for various books in progress;
- communications regarding a request for an interview with the White House Press Secretary for a book in progress;
- various opinions written by the Office of Legal Counsel to the Counsel for the President for our review prior to publication by OLC in bound volume;

The Honorable William F. Clinger, Jr.
September 24, 1996
Page 3

- documents regarding publication of the book Blood Sport;
- communications regarding the policy against the use of the White House or likeness, images, words or activities of the President or First Family in commercial ventures;
- documents regarding the publication of books by the President, the Vice President, Mrs. Clinton and Mrs. Gore.

I trust that this information will satisfy your inquiry. Please call me if you have any questions.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Jack Quinn", with a large, stylized loop at the beginning and a long horizontal stroke extending to the right.

Jack Quinn
Counsel to the President

cc: Honorable Cardiss Collins