

Case Number: 2006-1066-F.

FOIA MARKER

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Folder Title:

FBI - House [4]

Staff Office-Individual:

Counsel's Office-Sherburne, Jane

Original OA/ID Number:

CF 396

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21	2	10	2	V

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	To Ashley Raines from Kenneth Hembree. [personal privacy] (1 page)	09/04/1996	b(6)
002. memo	Telephone Number. [partial] (1 page)	02/25/1994	b(6)
003. memo	Schduling [partial] (1 page)	04/16/1993	b(6)

COLLECTION:

Clinton Presidential Records
Counsel Office
Jane Sherburne
OA/Box Number: CF 396

FOLDER TITLE:

FBI - House [4]

2006-1066-F

vz3593

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Withdrawal/Redaction Marker

Clinton Library

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MOTION BY HON. WILLIAM F. CLINGER, JR.

To extend Committee Rule 19 for the purpose of taking sworn testimony in a deposition of the Committee on Government Reform and Oversight from David Craig Livingstone, and further to authorize the issuance of a subpoena commanding the appearance of David Craig Livingstone.

Correspondence between Chairman Clinger and Craig Livingstone's attorney regarding Mr. Livingstone's failure to appear for a deposition on Monday, September 16, 1996 and previous efforts to obtain his testimony subsequent to recently receiving numerous documents subpoenaed from the White House, the FBI and the CIA by the Committee.

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

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

September 17, 1996

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BERNARD SANDERS, VERMONT
INDEPENDENT

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

Mr. Randall Turk
Miller, Cassidy, Larroca & Lewin
2555 M Street, N.W.
Washington, D.C. 20037

Re: Craig Livingstone

Dear Mr. Turk:

As you know, you agreed to make your client available for a deposition this morning and even requested that we set the date for this Monday, September 16, due to your "busy schedule of New York depositions." The Committee agreed to meet at 9 a.m. since you claimed you had a plane to catch to New York at 1 p.m. Your firm accepted service of a subpoena for this deposition and your associate, David Cohen confirmed this deposition with my Chief Investigative Counsel Barbara Olson last week.

This morning your client failed to appear for a deposition and we have yet to receive any word from you on your client's failure to appear.

I find it regrettable that you have engaged in this last minute maneuvering in order to avoid having Mr. Livingstone testify before the Committee. While it is obviously Mr. Livingstone's prerogative to remain silent if he has a Fifth Amendment claim, you represented to my staff that Mr. Livingstone would voluntarily attend the committee deposition. The Committee staff apparently made the mistake of taking you at your word.

Throughout the month of August, you failed to return repeated phone calls from my staff to schedule Mr. Livingstone's deposition. As you know there was bipartisan agreement for an additional period of time to allow the deposition of Mr. Livingstone. We operated in good faith and tried to work around your schedule. The rescheduling of Mr. Livingstone's deposition was made necessary after you cancelled two July deposition dates at the last minute.

Contrary to your representations that you have "worked closely with you and your staff for almost two years," Mr. Livingstone's first contact with this Committee was not until

March 1996, when he was first deposed in the Travel Office matter. A second deposition became necessary in June 1996, when the FBI files issue came to light which involved Mr. Livingstone's office.

As you know, Mr. Livingstone and the Office of Personnel Security which he managed for over three years, are at the center of what the FBI Director called "egregious violations of privacy" in the gathering of FBI background files of hundreds of former Reagan and Bush officials. The American people were rightfully shocked at this inappropriate action and demanded an accounting of how this could have happened. There was bipartisan agreement that an investigation should go forward into this serious matter.

While Mr. Livingstone may find it unpleasant that these matters have brought him attention, there are hundreds of citizens who had their FBI files gathered by Mr. Livingstone's office in what was clearly an inappropriate fashion. These individuals have legitimate questions as to why Mr. Livingstone's office engaged in such activity.

We now have received hundreds of pages of additional documents from the White House weeks after Mr. Livingstone testified before the Committee. Notably these documents include a debriefing of a deposition of your client that you provided to the White House Counsel's office and related analysis by the Counsel's office as well as numerous other documents highly relevant to the role of Craig Livingstone in the Office of Personnel Security. (I would note that you had represented to Committee Counsel that you had never debriefed the White House in such a fashion.)

These documents, which were previously withheld from the Committee by an executive privilege claim by President Clinton were provided to the Committee only on August 15, 1996.

I regret that you and your client have taken such deceptive and dilatory actions to avoid responding to legitimate inquiries. The Committee will proceed with appropriate actions. The American people deserve to know why the White House engaged in "egregious violations of privacy" of hundreds of citizens and why Craig Livingstone doesn't want to talk about it.

Finally, I would remind you that your client is in contempt of a subpoena from July in which the Committee requested the names of contributors to Mr. Livingstone's legal defense fund. This information should be received by the Committee immediately.

Sincerely,


William F. Clinger, Jr.
Chairman

cc: Honorable Cardiss Collins
Ranking Minority Member

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

August 29, 1996

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BERNARD SANDERS, VERMONT
INDEPENDENT

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

Mr. Randall Turk
Miller, Cassidy, Larroca & Lewin
2555 M Street, N.W.
Washington, D.C. 20037

Re: Document Subpoena to D. Craig Livingstone
Deposition of D. Craig Livingstone

Dear Mr. Turk:

As you know, the Committee repeatedly has been trying to set up a deposition with your client, Craig Livingstone. Throughout July you made several last minute cancellations of Mr. Livingstone's deposition yet committed that your client would appear voluntarily. With the August recess, you have not returned repeated phone calls and attempts to set up this deposition for which you and your client pledged cooperation.

As to your July 19, 1996 request that the Committee provide all documents, depositions and subject matters on which Mr. Livingstone may be questioned in his deposition, it is an inappropriate request and the Committee has never provided such documents nor an outline of an intended deposition.

Your client has also failed to fully respond to the subpoena issued to him on July 11, 1996 with a response date of July 15, 1996. Mr. Livingstone has publicly acknowledged a legal defense fund and has not responded to item number 10 on the July 11, 1996 subpoena.

I would appreciate your prompt attention and cooperation in these matters. Congress will be back in session next week and I intend to take any necessary step to assure that Mr. Livingstone complies with the subpoena as well as the request for a deposition.

Sincerely,



William F. Clinger, Jr.
Chairman

CC: The Honorable Cardiss Collins

Ex-White House Aide Defies Subpoena in FBI Files Probe

9/17/96

By George Lardner Jr.
Washington Post Staff Writer

Former White House personnel security director Craig Livingstone snubbed a House committee's subpoena yesterday, saying through his lawyer that he was tired of being "vilified and ridiculed."

Livingstone, who presided over the White House's improper acquisition of hundreds of confidential FBI reports, had been ordered to show up for a deposition by lawyers for the House Government Reform and Oversight Committee. Instead his attorney, Randall J. Turk, delivered a letter dismissing the subpoena as "legally invalid."

A committee spokesman, Edmund M. Amorosi, charged that Livingstone's failure to appear, after agreeing to do so, was part of "a game plan" to stymie the FBI files investigation by delaying until Congress adjourns for the fall elections. "This is emblematic of the lack of cooperation we have received from the Clinton White House during all of our oversight efforts," Amorosi said.

The committee's authority to issue subpoenas for depositions ran out Aug. 31. Investigators for the panel had hoped to secure Livingstone's testimony voluntarily, but said they were never able to pin Turk down to a date until

he agreed to produce his client yesterday at 9 a.m.

Turk said he had agreed to that, but it dawned on him that what committee lawyers had initially described as "a brief mop-up interview" following a grueling hearing June 26 was developing into something far more ambitious, based on a dozen or so categories of fresh documents subpoenaed from the White House, the Justice Department, the CIA and Livingstone. "It looked to me like they were setting him up," Turk told a reporter.

In his letter to the committee's chief investigative counsel, Barbara Olson, Turk protested that Livingstone had already given more than 30 hours of sworn testimony and in the process had been "both vilified and ridiculed by your committee and in the national press, and has lost his job at the White House and is out of work. There comes a time, even in Washington, D.C., in an election year, when fairness and basic human decency must take precedence over partisan politics."

Turk indicated Livingstone would be willing to respond to written questions. Amorosi said committee Chairman William F. Clinger Jr. (R-Pa.) would "take the necessary steps to question Mr. Livingstone about documents which the committee recently received relevant to the FBI files matter."

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DAVID R. FONTAINE
J. BRADLEY BENNETT

September 16, 1996

BY FACSIMILE

Ms. Barbara Olson
Chief Investigative Counsel
House Committee on Government Reform and Oversight
Rayburn Office Building - Room 2157
Washington, D.C. 20515

Re: Craig Livingstone

Dear Ms. Olson:

I write concerning the subpoena you sent me last week for Craig Livingstone to appear for yet another day of deposition testimony by the House Committee on Government Reform and Oversight. As you know, Mr. Livingstone has already provided the Committee in excess of 30 hours of sworn testimony concerning the Travel Office firings, Vince Foster's suicide, the inadvertent creation of background files on mostly low-ranking members of previous administrations, and a variety of other topics.

Many have suggested since the outset of your Committee's investigation that it was being pursued for partisan reasons in light of the upcoming presidential election. I must say that the tenor of the televised hearings that were held by your Committee, and in particular the gratuitous personal attacks on Mr. Livingstone and his family during those hearings and in leaks to the press by your staff, have lent credence to those observations.

Nevertheless, and as you know, Mr. Livingstone and I have worked closely with you and your staff for almost two years now to provide the Committee with all of the information you have requested, whether in the form of documents in Mr. Livingstone's possession, or exhaustive sworn testimony by Mr. Livingstone on repeated occasions. Indeed, we have done so despite the Committee's refusal to extend those same courtesies to Mr. Livingstone, including denying us access to any of the materials as to which you have examined Mr. Livingstone. We have also cooperated fully with the investigations by the Senate Judiciary

MILLER, CASSIDY, LARROCA & LEWIN, LLP.

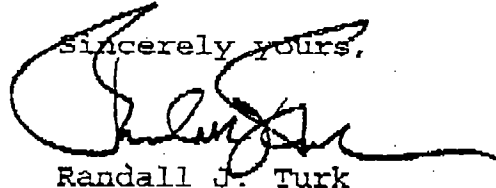
Ms. Barbara Olson
September 16, 1996
Page 2

Committee and by Mr. Starr's Office of the Independent Counsel. In light of all this, the subpoena issued by the Republican majority of the Committee to Mr. Livingstone last week smacks of harassment. Mr. Livingstone has been both vilified and ridiculed by your Committee and in the national press, and has lost his job at the White House and is out of work. There comes a time, even in Washington, D.C. in an election year, when fairness and basic human decency must take precedence over partisan politics.

As I read the Committee's authorization under H. Res. 369 to issue subpoenas to conduct depositions in this matter, that authority has expired. The subpoena you had delivered to me last week, therefore, would appear to be legally invalid. Moreover, given the scope and breadth of the testimony Mr. Livingstone has already provided to your Committee, to the Senate Judiciary Committee and to Mr. Starr's office, it is difficult to conceive of any legitimate need by your Committee to depose Mr. Livingstone further.

If you believe there truly are matters germane to the Committee's investigation that have not already been covered, please let me know why written interrogatories would not satisfy any further legitimate investigative need of the Committee.

Sincerely yours,



Randall J. Turk

RJT/dlg

THE WHITE HOUSE
WASHINGTON

September 16, 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 additional documents responsive to your requests and the subpoena dated August 2, 1996. A production log is attached. As stated in Ms. Sherburne's letter of September 6, 1996, we are still in the process of reviewing files from the Office of Records Management and electronic records from the Office of Personnel Security. The enclosed documents are the result of these efforts.

Several of the documents enclosed were printed from electronic files containing a date code. These documents therefore reflect the date when we first printed them for review prior to production -- September 5, 1996. For your information, we have placed on these documents a label indicating the date when the electronic record was last saved.

We have located multiple drafts of spreadsheets prepared in connection with the GAO audit of the pass issuance process, similar to documents we have already produced (such as, for example, CGE 055122-41 and CGE 055218-31). Please let us know if you are interested in receiving more of this material.

Please give me a call if you have any questions.

Sincerely yours,

Jack Quinn / MN

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 16, 1996

BATES NUMBER	SOURCE
CGE 55295-55707	Chris Cerf
CGE 55708-55717, 55723-55751	Office of Personnel Security
CGE 55753-55756	William Kennedy
CGE 55757-55772	Office of Personnel Security

POLITICS

Get Ready to Rumble

Far behind, Dole takes the fight to Clinton—and the disgraced Morris

BY HOWARD FINEMAN

THE MEETING WAS ROUTINE, BUT the subject was not. When Newt Gingrich and his lieutenants paid their regular visit to Bob Dole's headquarters last week, NEWSWEEK has learned, they came to plot a novel piece of strategy: the Dick Morris subpoena. The story of Bill Clinton's fallen consultant had seemed too weird and "off message" to be of much use. But then the tabloids published more excerpts from the diary of Morris's alleged call girl. In them Morris is said to have blamed Hillary Rodham Clinton for the mass requisitioning of Republican FBI files. Suddenly it was Macarena time at Dole HQ. "The FBI-files issue cuts," enthused a top Dole aide. So it was agreed: Rep. William Clinger's Government Reform and Oversight Committee would invite Morris to explain—

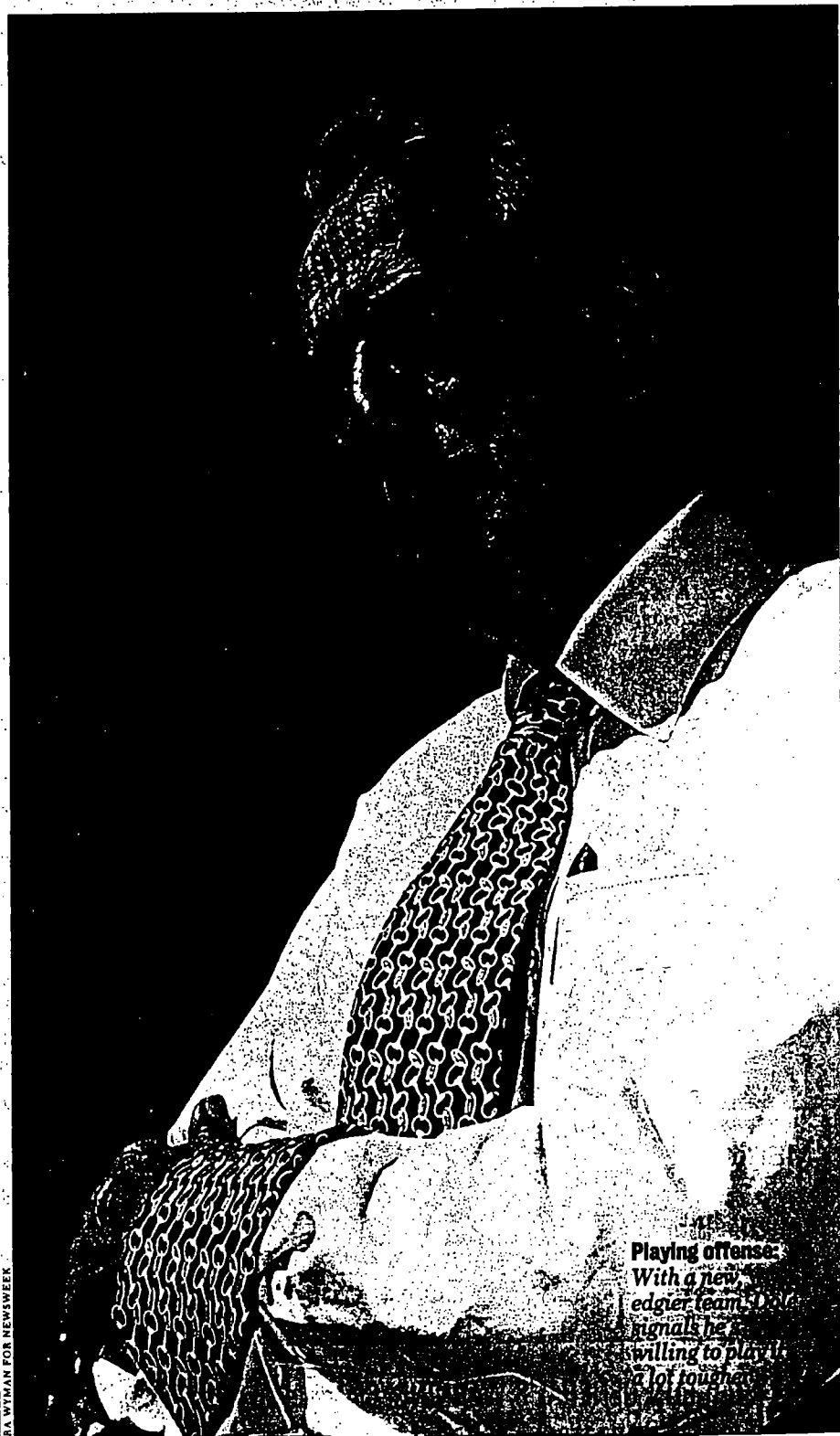
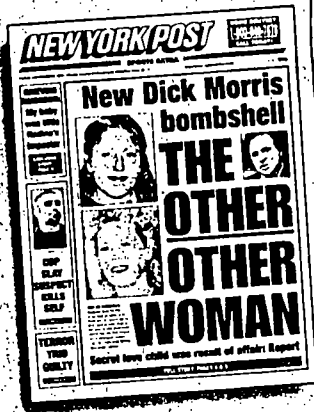
under subpoena if necessary.

Whatever works, especially if it "cuts." Once again lagging badly in the polls, Bob Dole and his campaign are trying to shake themselves awake before it's truly too late. Dole's ad team of Don Sipple and Mike

More scandal: Can Dole cash in on Morris? Murphy was let go, accused of the cardinal sin of making spots that weren't "tough" and "focused" enough. They were replaced by others known for producing the nastiest possible ads while ostensibly sticking to "issues." Campaign manager Scott Reed gave new power to a trio of hard-driving Washington lobbyists. Led by Paul Manafort, they came of age in politics as partners of the late Lee Atwater, the master of modern wedge politics.

A month ago Dole seemed to be a genuine threat to Bill Clinton. He'd unveiled an eye-catching economic plan, picked the bouncy Jack Kemp as his running mate, staged a smooth convention—and pulled within a few polling points of the president.

But since then nothing has worked. On



Playing offense: With a new edgier team, Dole signals he's willing to play it a lot tougher.

the campaign trail, Dole wanders from this core message—tax cuts and trust—preferring to spend time acknowledging every minor GOP dignitary in the crowd. Riven by internal feuds, the campaign had aired only two ads, and Dole didn't like them. There was no plan in place to target key states. Meanwhile, Dole gave the White House an opening on Iraq, grousing about Clinton's "weak leadership" before slipping back into patriotic bipartisanship at the private urging of Colin Powell.

For its part, the Clinton campaign has been busy and, despite the Morris revelations, focused. Clinton-Gore went up in 20 states with a tough spot showing a shift-eyed Dole hungry to "raise taxes" and "cut Medicare." In fact, Dole has voted to cut taxes more than to raise them—and wants to slow the growth of Medicare only slightly more than Clinton would. But the Dole camp's only response to the ad barrage was weak: it sent out a spokesman to complain the ad was "offensive."

Inside the campaign, Reed knew it was time to do something. His allies were Manafort, who had run the much-praised convention, and John Buckley, a longtime friend and the campaign's communications director. Of course, when a race is going badly it's never the candidate's fault. That's what consultants are for. Dole knows the drill. In 1988 he personally fired two top advisers, leaving them on the tarmac at a campaign stop.

This time Reed took the initiative. Dole was kept informed, and approved, but was out of town when Reed cleaned house. The chief fall guy was Sipple, a cool-mannered Californian. He and Murphy had tried to assume control of all "message" functions, but had been rebuffed by Reed and Buckley. It was duly noted that Sipple and Murphy had opposed two key moves: unveiling Dole's tax plan before the convention and picking Kemp. Sipple had another strike against him: word was he didn't want to become famous as a tough guy.

The new crew has no such fears. The campaign now is entirely in the hands of "Arthur's Boys." They are devotees of an unforgiving doctrine of political warfare they learned working with a legendary GOP consultant named Arthur Finkelstein. Alumni include Reed, Buckley, polltaker Tony Fabrizio, "oppo" adviser Roger Stone, direct-mail guru Steve Goldberg and new ad men Alex Castellanos and Chris Mottola. All have worked for Finkelstein's polling firm,



Moving In: A lobbyist who learned politics with Lee Atwater, Manafort brings a sharper, more unforgiving strategy to the campaign

Sent packing: A cool-mannered Pete Wilson alumnus, Sipple was fired for producing ads that weren't 'tough' enough



MAGGIE STEDER FOR NEWSWEEK

or on campaigns he's run. Even Dole's debate negotiator, Carroll Campbell, was once a Finkelstein client, in South Carolina.

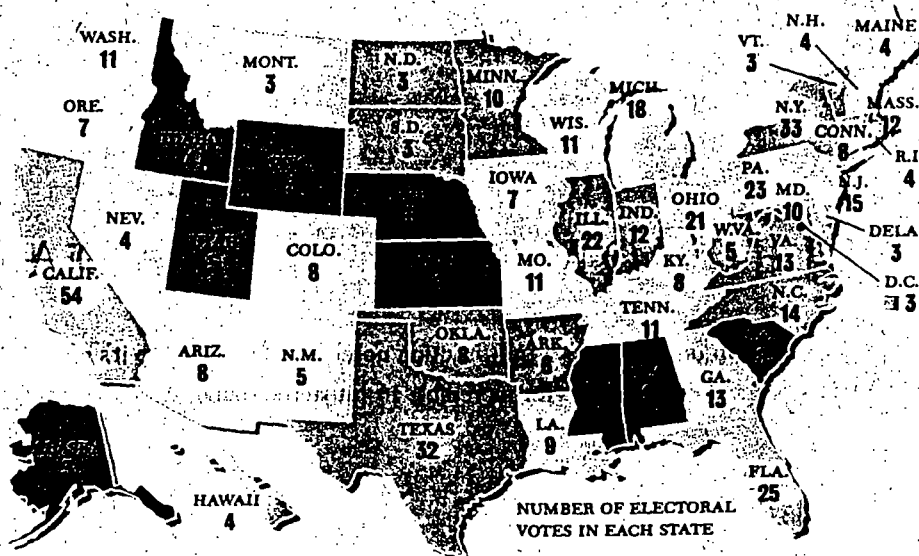
Reed and Dole know what they're getting. There's a Finkelstein method, and it will now be applied to the Dole campaign even though Finkelstein himself is busy running a host of Senate campaigns. Starting as a polltaker with Jesse Helms's first campaign in 1972, Finkelstein developed a simple set of principles. Focus on your opponent, not your own candidate. Use whatever shred of your foe's record you can find

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With GREGORY BEALS

Dole's Daunting November Geography

For all the talk of scandal, Clinton's lead in the Electoral College remains substantial. A look at how ABC News political director Hal Bruno breaks down the states:



Electoral votes		Clinton ESTIMATED VOTES		Dole ESTIMATED VOTES		Close/even	65
Total	538	Strong	186	Strong	50		
Needed to win	270	Ahead	172	Ahead	85		
		Total	338	Total	135		

SOURCE: ABC NEWS POLITICAL UNIT. ESTIMATES ARE NOT SCIENTIFIC BUT THE RESULT OF A COMBINATION OF INTERVIEWS AND LOCAL POLLING.

File FBI/White

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

14-Sep-1996 05:03pm

TO: Sally Katzen

FROM: Jane C. Sherburne
Office of the Counsel

CC: Sally Paxton

SUBJECT: REQUEST FOR WHITE HOUSE RECORDS

I RETURNED YOUR CALLS BUT AS WE HAVEN'T CONNECTED I WILL TRY TO PROVIDE YOU SOME GUIDANCE BASED ON THE INFORMATION YOU LEFT ON MY VOICE MAIL. THE COMMITTEE HAS BEEN UNWILLING TO RELIEVE US OF THE OBLIGATION TO RESPOND TO THE SUBPOENA REQUEST AS STATED. HOWEVER, THE STAFF DID AGREE TO ACCEPT, IN THE FIRST INSTANCE, "A LISTING OF ALL BOOKS AND AN IDENTIFICATION OF THE RECORDS RELATED TO EACH BOOK." SHORT OF COLLECTING ALL THE MATERIAL DESCRIBED IN THE SUBPOENA, WOULD YOU PROVIDE US WITH A DESCRIPTION OF THE VARIOUS TYPES OR CATEGORIES OF BOOKS RESPONSIVE TO THE SUBPOENA AND THE TYPES OF RELATED DOCUMENTS THAT YOU WOULD EXPECT TO FIND IN THE CUSTODY OF YOUR OFFICE. OUR HOPE WOULD BE THAT SUCH A SUBMISSION WOULD SATISFY THE COMMITTEE THAT IT IS UNNECESSARY TO INSIST THAT WE ACTUALLY COLLECT ALL SUCH MATERIAL.

WILLIAM F. CLAY, JR., PENNSYLVANIA
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ONE HUNDRED FOURTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

September 10, 1996

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MAJORITY—(202) 225-6074
MINORITY—(202) 225-8081

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

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.

KIRKPATRICK & LOCKHART LLP

1500 OLIVER BUILDING
PHILADELPHIA, PENNSYLVANIA 19102-3312

TELEPHONE (610) 591-4000
FACSIMILE (610) 591-4101

JERRY S. McDEVITT
(610) 591-4000
jerry@kpllp.com

September 9, 1996

VIA TELECOPIER

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

Dear Ms. Olson:

As we discussed, enclosed you will find Mr. Morris's Statement to the Committee.

Yours very truly,

Jerry S. McDevitt
Jerry S. McDevitt *JW*

:lw
Enc.

P18-96092.1

PHILADELPHIA • CHICAGO • MIAMI • NEW YORK • PHILADELPHIA • WASHINGTON

STATEMENT TO GOVERNMENT OVERSIGHT COMMITTEE BY DICK MORRIS

COMMONWEALTH OF PENNSYLVANIA)
) ss.
COUNTY OF ALLEGHENY)

BEFORE ME, the undersigned authority, personally appeared, DICK MORRIS, who, upon being duly sworn, states as follows:

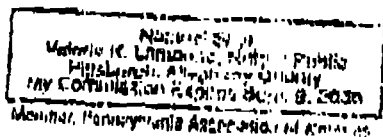
- 1. The account printed in the Star of my conversation with Ms. Rowlands on June 24, 1996 is, to the best of my recollection, inaccurate.**
- 2. It is my recollection that I had a conversation with her on or about June 24th in which we discussed who the public believed was responsible for the search of FBI files by the White House. My recollection is that I said, in words or substance, that "everyone thinks its Hillary" who was responsible. I based that comment on polling data I had recently analyzed. The poll was conducted on June 18th and 19th. In that polling, respondents were first asked if they believed the investigations show the Clintons are responsible for a lot of wrongdoing. Thirty-nine percent said that they felt the Clintons were responsible and thirty-five percent said they were not. In the survey, those respondents who said the Clintons were responsible were then asked if they believed that the President or the First Lady were responsible for the examination of FBI files by the White House. This question was answered with seventy-four percent saying the First Lady was responsible and six percent saying the President was responsible. This poll data was the basis of any such remarks made by me. I do not recall sharing the actual polling data with Rowlands.**

3. I have no personal knowledge, or information from any source
whatsoever as to who was responsible for ordering the FBI files or the use to which such files
were put on receipt by White House personnel.

Dick Morris
DICK MORRIS

SWORN TO AND SUBSCRIBED before
me, this 9th day of September,
1996.

Valerie K. Zamorra
Notary Public



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 /md

Jane C. Sherburne
Special Counsel to the President

cc: Donald Goldberg
Professional Staff Member

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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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September 6, 1996

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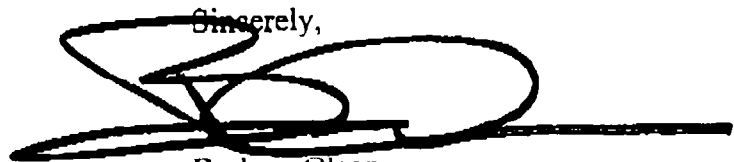
Jane C. Sherburne
Special Counsel to the President
The White House
Washington, D.C. 20005

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

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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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September 6, 1996

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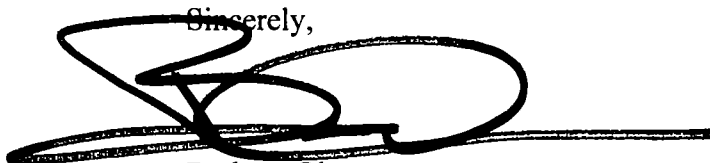
Jane C. Sherburne
Special Counsel to the President
The White House
Washington, D.C. 20005

Dear Ms. Sherburne:

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Thank you for your prompt attention to this matter.

Sincerely,



Barbara Olson
Chief Investigative Counsel


AMPAD
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Z3-021 - 200 SETS
 Z3-421 - 400 SETS

CARBONLESS


 CGE 049928



AMPAD
EFFICIENCY®

23-021 - 200 SETS
23-421 - 400 SETS

CARBONLESS

THE WHITE HOUSE

WASHINGTON

September 5, 1996

MEMORANDUM FOR SALLY PAXTON
SPECIAL COUNSEL TO THE PRESIDENT

FROM: TERRY GOOD *Good*
OFFICE OF RECORDS MANAGEMENT

RE: DOCUMENT SUBPOENA FROM THE HOUSE COMMITTEE ON
GOVERNMENT REFORM AND OVERSIGHT

Yesterday, we received the August 30, 1996, memorandum and, to the extent that we can, have searched for any record

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

We found none among those documents that we receive, process, and file individually into our "Subject Files". Our search parameters were:

<u>CODE</u>	<u>NATURE OF INFORMATION</u>
"PP001"	- Articles, books, booklets written by the President
"PP002"	- Articles, books, booklets written about the President and the First Family
"PU"	- Preparation, printing, reproducing, distribution, and revision of published materials

As for the files that we receive in boxed containers, this is an entirely different and far more challenging task. To search this material we must rely upon the inventories that accompany these files. They vary from fairly descriptive to very vague. In this instance, the puzzle becomes even more difficult for we are at a loss as to how this information might be labelled or identified. Because of that, I do appreciate your instructions to the staff to contact you for arrangements to have these files searched. We await any discussions with you about such records and will, if it appears fruitful, search these boxed files, as we have on the many previous occasions that subpoenas have been received.

Jane - FYI -

b/c of this mistake, the
request didn't go out
until today. Sally

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

04-Sep-1996 02:08pm

TO: Sally Paxton
TO: Miriam R. Nemetz

FROM: Ashley L. Raines
Office of Administration

CC: Jodie R. Torkelson
CC: Franklin S. Reeder
CC: Ada L. Posey

SUBJECT: FYI

I apologize for any problems that may arise from this administrative error. I will be more proactive next time to follow up and make sure these requests are delivered in a timely manner.

She. k... u

THE WHITE HOUSE
WASHINGTON

August 30, 1996

MEMORANDUM FOR WHITE HOUSE COUNSEL'S OFFICE LAWYERS

FROM: JANE SHERBURNE
SPECIAL COUNSEL TO THE PRESIDENT

SALLY PAXTON *SP*
SPECIAL ASSOCIATE COUNSEL TO THE PRESIDENT

RE: Document Subpoena from the House Committee on
Government Reform and Oversight

The House Committee on Government Reform and Oversight has subpoenaed certain White House records. Please review your records (including your computer files) and the records of anyone working under your direction and retrieve the following:

- 1) All records from December 1, 1995 to August 2, 1996 relating to any contacts with any individual in the FBI General Counsel's office regarding any matters related 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 investigations and any matters relating to the FBI background investigations of Anthony Marceca and Craig Livingstone.
- 2) All records from October 1, 1995 to the August 2, 1996 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 Ray Dale.

If you have already provided responsive material to the Counsel's Office, you need not produce it again. If you have sent files likely to contain responsive information to the Office of Records Management, please let us know and we will arrange to have your files reviewed.

Please provide responsive information to Sally Paxton in Room 148 as soon as possible, but no later than close of business on Wednesday, September 4, 1996. Thank you for your assistance.

WILLIAM P. CLINGER, JR., PENNSYLVANIA
CHAIRMAN

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ONE HUNDRED FOURTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

2157 RAYBURN HOUSE OFFICE BUILDING

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August 29, 1996

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MAJORITY—(202) 225-5074
MINORITY—(202) 225-6061

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

Dear Ms. Sherburne:

As you are aware, this Committee issued a August 2, 1996 subpoena to the White House which called for all records no later than Monday, August 19, 1996. At this time the White House is not in compliance with the subpoena. When I spoke with you last week, I requested a letter to the Chairman explaining the reason for your non-compliance. The Chairman has not received any explanation and I request that you offer an explanation to the Chairman why you have not produced the responsive documents.

You have raised questions about subpoena item No. 9. I want to make clear that we are not "negotiating" on this item. As you know, both Cheryl Mills and Chris Cerf have testified under oath that they were tasked with reviewing Gary Aldrich's book in the course of their duties in the Counsel's Office. These records, along with any other records related to Mr. Aldrich's book fall within this request. While we are primarily seeking records related to the receipt of Mr. Aldrich's book, we are not narrowing this subpoena item. As an accommodation, I proposed that the Committee would initially accept a listing of all books and an identification of the records related to each book. At that point, Chairman Clinger will request all relevant communications concerning these other books as appropriate.

Sincerely,

Barbara Olson
Barbara Olson
Chief Investigative Counsel

cc: Representative Cardiss Collins

WILLIAM F. CLINGER, JR., PI
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
DAN BURTON, INDIANA
J. DENNIS HASTERT, ILLINOIS
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
STEVEN SCHIFF, NEW MEXICO
ILEANA ROS-LEHTINEN, FLORIDA
WILLIAM H. ZELIFF, JR., NEW HAMPSHIRE
JOHN M. MCHUGH, NEW YORK
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DAVID M. MCINTOSH, INDIANA
JON D. FOX, PENNSYLVANIA
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MARK E. SOUDER, INDIANA
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JOE SCARBOROUGH, FLORIDA
JOHN SHADEGG, ARIZONA
MICHAEL PATRICK FLANAGAN, ILLINOIS
CHARLES F. BASS, NEW HAMPSHIRE
STEVE C. LATOURETTE, OHIO
MARSHALL "MARK" SANFORD, SOUTH CAROLINA
ROBERT L. EHRLICH, 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

August 29, 1996

CARDISS COLLINS, ILLINOIS
RANKING MINORITY MEMBER
HENRY A. WAXMAN, CALIFORNIA
TOM LANTOS, CALIFORNIA
ROBERT E. WISE, JR., WEST VIRGINIA
MAJOR R. OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
JOHN M. SPRATT, JR., SOUTH CAROLINA
LOUISE MCINTOSH SLAUGHTER, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
GARY A. CONDIT, CALIFORNIA
COLLIN C. PETERSON, MINNESOTA
KAREN L. THURMAN, FLORIDA
CAROLYN B. MALONEY, NEW YORK
THOMAS M. BARRETT, WISCONSIN
BARBARA-ROSE COLLINS, MICHIGAN
ELEANOR HOLMES NORTON, DC
JAMES P. MORAN, VIRGINIA
GENE GREEN, TEXAS
CARRIE P. MEEK, FLORIDA
CHAKA FATTAH, PENNSYLVANIA
BILL K. BREWSTER, OKLAHOMA
TIM HOLDEN, PENNSYLVANIA

BERNARD SANDERS, VERMONT
INDEPENDENT

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

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

Dear Ms. Sherburne:

As you are aware, this Committee issued a August 2, 1996 subpoena to the White House which called for all records no later than Monday, August 19, 1996. At this time the White House is not in compliance with the subpoena. When I spoke with you last week, I requested a letter to the Chairman explaining the reason for your non-compliance. The Chairman has not received any explanation and I request that you offer an explanation to the Chairman why you have not produced the responsive documents.

You have raised questions about subpoena item No. 9. I want to make clear that we are not "negotiating" on this item. As you know, both Cheryl Mills and Chris Cerf have testified under oath that they were tasked with reviewing Gary Aldrich's book in the course of their duties in the Counsel's Office. These records, along with any other records related to Mr. Aldrich's book fall within this request. While we are primarily seeking records related to the receipt of Mr. Aldrich's book, we are not narrowing this subpoena item. As an accommodation, I proposed that the Committee would initially accept a listing of all books and an identification of the records related to each book. At that point, Chairman Clinger will request all relevant communications concerning these other books as appropriate.

Sincerely,

Barbara Olson
Barbara Olson
Chief Investigative Counsel

cc: Representative Cardiss Collins

THE WHITE HOUSE

WASHINGTON

August 28, 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 additional documents responsive to your requests of June 12, 1996, and June 21, 1996, and the subpoena dated August 2, 1996. A production log is attached.

Please give me a call if you have any questions.

Sincerely yours,

Jane Sherburne /MN

Jane C. Sherburne
Special Counsel to the President

Attachment
Enclosures

cc: Honorable Cardiss Collins

DOCUMENTS PRODUCED TO THE
HOUSE COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
ON 8/28/96.

Bates Number	Source
CGE 53979-54089	Office of Personnel Security
CGE 54090-54095	Trey Schroeder
CGE 54096-54097	Jack Quinn
CGE 54098-54196	Kathy Wallman
CGE 54197-54198	David Fein
CGE 54199-54234	Jane Sherburne
CGE 54235-54236	Counsel's Office
CGE 54237-54241	Office of Vice President
CGE 54242-54247	Office of Personnel Security

THE WHITE HOUSE
WASHINGTON

August 27, 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 additional documents responsive to your requests of June 12, 1996, and June 21, 1996, and the subpoena dated August 2, 1996. A production log is attached.

Please give me a call if you have any questions.

Sincerely yours,

A handwritten signature in cursive script that reads "Jane Sherburne / mw".

Jane C. Sherburne
Special Counsel to the President

Attachment
Enclosures

cc: Honorable Cardiss Collins

DOCUMENTS PRODUCED TO THE
HOUSE COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
ON 8/27/96

Bates Number	Source
CGE 53713-53715	Counsel's Office
CGE 53716-53730	Trey Schroeder
CGE 53731-53816	Jack Quinn
CGE 53817-53824	Kathleen Wallman
CGE 53825-53840	Kelly McClure
CGE 53841-53896, 53902-53927	Sally Paxton
CGE 53928-53978	Jane Sherburne

Subpena Duces Tecum

By Authority of the House of Representatives of the
Congress of the United States of America

To The White House, John Quinn

You are hereby commanded to produce the things identified on the attached schedule before the
Committee on Government Reform and Oversight
of the House of Representatives of the United States, of which the Hon. William F. Clinger, Jr.
is chairman, by producing such things in Room 2157
Rayburn Building, in the city of Washington, on
Monday, August 19, 1996, at the hour of 10:00 a.m.

To Kevin Sabo,

to serve and make return.

Witness my hand and the seal of the House of Representatives
of the United States, at the city of Washington, this
2nd day of August, 1996.

William F. Clinger, Jr. Chairman.

Attest:

Rolien H. Carter
by Linda Nave Clerk.

U.S. MARSHAL
DISTRICT OF COLUMBIA

AUG 24 36 PM '96

RECEIVED

The White House
Subpena for.....

before the Committee on the.....
Government Reform and Oversight

Served *Accepted on behalf*.....
of the Custodian of Records.....
Shirley Parrott.....

.....House of Representatives

DOCUMENTS SUBPOENAED FROM THE WHITE HOUSE

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)..
2. All communications and contacts 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 clearance matters (excluding the contents of any FBI background files)..
3. All records relating to Anthony Marceca (excluding their FBI background file)..
4. All records relating to Lisa Wetzl (excluding their FBI background file)..
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 present.
6. All records from December 1, 1995 to present relating to any contacts with any individual in the FBI General Counsel's office regarding any matters related 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.
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.
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 Ray Dale.
9. All records from December 1, 1995 to the present relating to any information provided to any individual at the White House regarding actual or potential books being considered for publication as well as any notes, talking points, or communications regarding such publications.
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.

RECEIVED
JUL 2 4 33 PM '96
U.S. DISTRICT COURT
DISTRICT OF COLUMBIA

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

August 22, 1996

MEMORANDUM TO FILE

FROM: Sherburne

Subject: House Government Reform Inquiry re White House
Communications with Willie Nelson

Barbara Olson, of the House Government Reform and Oversight Committee, has expressed interest in a 2/24/94 telephone message from Willie Nelson to Craig Livingstone. As Barabara suggested a questionable motive for the call, I have assembled the following information about communications between the White House and Willie Nelson.

- 04/15/93 Willie Nelson calls Nancy Hernreich about getting the President's participation in a FarmAid event in Iowa on April 24, 1993.
- 04/23/93 President videotapes a birthday message for Willie Nelson.
- 09/23/93 Willie Nelson and his sister have photo-op in Oval with President and Vice President.
- 02/25/94 Telephone message to Craig Livingstone from Willie Nelson: "He called from his cellular on his bus about trying to see or speak to the President. Usually you can reach him there. Ed." Phone number (512) 413-8611. NOTE: Livingstone's resume apparently reflects work during the 1980s on FarmAid concerts. We understand he met Willie Nelson in the course of that work.
- 02/25/94 Kelly Crawford (Oval Office Operations) sends note to President passing along a message from Willie Nelson's manager that "Willie Nelson would like to talk to you. He is very excited about Secretary Espy's announcement to increase the loan rate for farmers and he wanted to thank you. Through his work with FARMAID, he has been trying to do this for the last twelve years. He is on

Willie Nelson Memo
Agusut 22, 1996
Page 2

the road so he left a cellular phone number where he
can be reached (512) 413-8611."

02/27/94 President telephones Willie Nelson and has 4 minute
conversation.

07/00/94 President joins Willie Nelson's bus tour re health care
in Independence, Missouri.

M E M O R A N D U M

To: THE PRESIDENT
From: Nancy Hernreich
Date: April 15, 1993
Re: WILLIE NELSON CALL 9:55 AM

Mr. Nelson called this morning to follow up on a letter he had written asking you to play with him at a Farm Aid event on 4/24 in Iowa. He is on his bus in Battle Creek Michigan this morning and would like you to call him back.

I just spoke to scheduling. They have the invitation- will get me a copy to attach- it is in their stack of letters to get a regret letter in return- she said it was not from Nelson.

CGE 049928

AMPAD
EFFICIENCY®

23-021 - 200 SETS
23-421 - 400 SETS

CARBONLESS

WC

THE WHITE HOUSE
WASHINGTON

August 21, 1996

BY TELECOPY

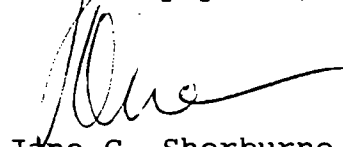
Barbara K. Olson
Chief Investigative Counsel
House Committee on Government Reform and Oversight
2157 Rayburn House Office Building
Washington, DC 20515-6143

Dear Barbara:

You called last night to request an unredacted copy of a telephone message from Willie Nelson to Craig Livingstone, dated February 25, 1994 and numbered CGE 049928. An unredacted copy of the message is attached.

For your information, we redacted material from telephone messages that appeared to be completely unrelated to any matters we are aware the Committee is investigating. Please let me know if you are investigating Willie Nelson!

Sincerely yours,



Jane C. Sherburne
Special Counsel to the President

Enclosure

cc: Donald Goldberg
Professional Staff Member

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. memo	Telephone Number. [partial] (1 page)	02/25/1994	b(6)

COLLECTION:

Clinton Presidential Records
Counsel Office
Jane Sherburne
OA/Box Number: CF 396

FOLDER TITLE:

FBI - House [4]

2006-1066-F

vz3593

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

February 25, 1994

To: The President
From: Kelly Crawford
Re: Call from Willie Nelson's manager

Willie Nelson would like to talk to you. He is very excited about Secretary Espy's announcement to increase the loan rate for farmers and he wanted to thank you. Through his work with FARMAID, he has been trying to do this for the last twelve years.

He is on the road so he left a cellular phone number where he can be reached.

[002]

(b)(6)

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. memo	Schduling [partial] (1 page)	04/16/1993	b(6)

COLLECTION:

Clinton Presidential Records
Counsel Office
Jane Sherburne
OA/Box Number: CF 396

FOLDER TITLE:

FBI - House [4]

2006-1066-F

vz3593

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
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C. Closed in accordance with restrictions contained in donor's deed of gift.

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- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

M E M O R A N D U M

To: THE PRESIDENT
From: Nancy Hernreich
Date: April 16, 1993
Re: WILLIE NELSON

I sent you a note that Willie Nelson called yesterday about a Farm Aid event in Iowa. Should I have Marcia Hale return that call. She knows about the event [REDACTED] (b)(6)

[003]

[REDACTED] (b)(6)

Joe Scrubner
These are
the only Willie
Nelson photos
I have - not

THE WHITE HOUSE

WASHINGTON

August 22, 1996

BY HAND DELIVERY

Ms. Barbara Comstock
Investigative Counsel
House Committee on Government Reform & Oversight
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Dear Barbara:

I am writing in response to your letter regarding documents that appeared to you to be missing from our August 21 production. There is a typographical error in the production log we provided to you which accounts for the first range of Bates numbers you identified as missing. The very first number on the log, CGE 052378, should be CGE 053478. A corrected log is enclosed. Thank you for bringing the error to our attention.

Our records indicate that the other "missing" documents were included in our production. The Bates number CGE 053683 is on the document that also has Bates number CGE 053684. There are two numbers because a separately numbered post-it note was attached to the original document. Additional copies of the other two documents you identified, CGE 053532 and CGE 053533, are enclosed.

Please call me if you have any questions.

Sincerely yours,



Jane C. Sherburne
Special Counsel to the President

Enclosures

DOCUMENTS PRODUCED TO
COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
AUGUST 21, 1996
(CORRECTED VERSION)

BATES RANGE	SOURCE
CGE 053478-053533	Office of Records Management
CGE 053534-053537	Office of Personnel Security
CGE 053538-053540	Office of Administration
CGE 053541-053544	Office of Records Management
CGE 053545-053554	Mark Gearan
CGE 053555-053619	Office of Personnel Security
CGE 053620-053656	Chris Cerf
CGE 053657-053658	Office of Administration
CGE 053659-053660	Visitor's Office
CGE 053661-053665	Office of Records Management
CGE 053666-053673	Lisa Caputo
CGE 053674-053676	Kathleen Whalen
CGE 053677-053697	Office of Personnel Security
CGE 053698-053706	Office of Records Management
CGE 053707-053709	Kim Holmes
CGE 053710-053712	Patsy Thomasson

MORPT
08/07/96

08:36:41 PM SEARCH REQUEST FOR MAY96

WAVES CENTER

PAGE 1

date	LNAME	FNAME	dob	VISITEE	REQUESTOR	ARRIVE TIME	BADGE #	ROOM
960503	HEATHERINGT	KATE	061970	LIVINGSTONE	LIVINGSTONE	1253	34DA5D	WW
960507	TIRADO	FRANCISCO	090450	LIVINGSTONE	LIVINGSTONE	1224	34BC93	WW
960507	SOTO	ARNALDO	030965	LIVINGSTONE	LIVINGSTONE	1224	34D6B2	WW
960507	LOPEZ	SUZZETTE	031561	LIVINGSTONE	LIVINGSTONE	1224	34D7E0	WW
960507	PAGAN	ZAIDEE	111054	LIVINGSTONE	LIVINGSTONE	1224	34D94A	WW



MORPT
08/08/96

11:51:37 AM SEARCH REQUEST FOR JUN96

WAVES CENTER

PAGE 1

date	LNAME	FNAME	dob	VISITEE	REQUESTOR	ARRIVE TIME	BADGE #	ROOM
960611	LIVINGSTONE	JIM	020717	LIVINGSTONE	QUICK	2003	34CB77	WW
960611	LIVINGSTONE	JUNE	012623	LIVINGSTONE	QUICK	2003	34DB00	WW
960611	LIVINGSTONE	GINA	112573	LIVINGSTONE	QUICK	2003	34E31E	WW



THE WHITE HOUSE
WASHINGTON

August 21, 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 additional documents responsive to your requests of June 12, 1996, and June 21, 1996, and the subpoena dated August 2, 1996. A production log is attached. We will produce additional responsive material as quickly as we can.

Two of the enclosed documents (CGE 053598-9) have been redacted. These documents, which relate to the GAO audit of the pass issuance process, reflect the names of individual passholders whose records were analyzed by the GAO, using only an identifying number to protect their privacy. We have redacted the names from these documents.

Please give me a call if you have any questions.

Sincerely yours,



Jane C. Sherburne
Special Counsel to the President

Attachment
Enclosures

cc: Honorable Cardiss Collins

DOCUMENTS PRODUCED TO
COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
AUGUST 21, 1996

BATES RANGE	SOURCE
CGE 052378-053533	Office of Records Management
CGE 053534-053537	Office of Personnel Security
CGE 053538-053540	Office of Administration
CGE 053541-053544	Office of Records Management
CGE 053545-053554	Mark Gearan
CGE 053555-053619	Office of Personnel Security
CGE 053620-053656	Chris Cerf
CGE 053657-053658	Office of Administration
CGE 053659-053660	Visitor's Office
CGE 053661-053665	Office of Records Management
CGE 053666-053673	Lisa Caputo
CGE 053674-053676	Kathleen Whalen
CGE 053677-053697	Office of Personnel Security
CGE 053698-053706	Office of Records Management
CGE 053707-053709	Kim Holmes
CGE 053710-053712	Patsy Thomasson

THE WHITE HOUSE
WASHINGTON

August 21, 1996

BY TELECOPY

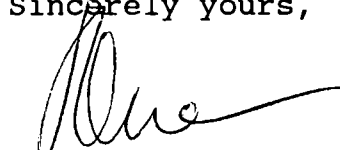
Barbara K. Olson
Chief Investigative Counsel
House Committee on Government Reform and Oversight
2157 Rayburn House Office Building
Washington, DC 20515-6143

Dear Barbara:

You called last night to request an unredacted copy of a telephone message from Willie Nelson to Craig Livingstone, dated February 25, 1994 and numbered CGE 049928. An unredacted copy of the message is attached.

For your information, we redacted material from telephone messages that appeared to be completely unrelated to any matters we are aware the Committee is investigating. Please let me know if you are investigating Willie Nelson!

Sincerely yours,



Jane C. Sherburne
Special Counsel to the President

Enclosure

cc: Donald Goldberg
Professional Staff Member

THE WHITE HOUSE
WASHINGTON

August 20, 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

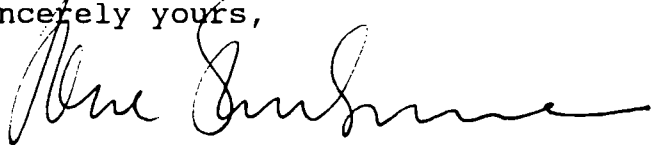
Dear Chairman Clinger:

I am enclosing documents responsive to your requests of June 12, 1996, and June 21, 1996, and the subpoena dated August 2, 1996. A production log is attached.

As you know, we were unable to respond fully to your requests because we did not have access to certain documents in the Office of Personnel Security (OPS). We recently obtained limited access to these documents, and have started reviewing them for responsiveness to your letter requests and to the subpoena. Many of the documents enclosed are the product of these efforts. We are continuing to review the OPS documents and other files that may contain material responsive to the Committee subpoena and will produce additional documents as quickly as we can.

Please give me a call if you have any questions.

Sincerely yours,



Jane C. Sherburne
Special Counsel to the President

Attachment
Enclosures

cc: Honorable Cardiss Collins

THE WHITE HOUSE

WASHINGTON

July 31, 1996

VIA HAND DELIVERY

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

Dear Chairman Clinger:

This responds to your letter of July 19, 1996, in which you asked for information and materials related to "individual random drug testing" at the White House.

As you may now know, the President's policy on drug use by White House staff is absolutely clear: zero tolerance. All applicants are tested before they report for work. Anyone who tests positive for drugs will be immediately relieved of his or her duties. No one who uses drugs illegally will work at this White House. And, to enforce this drug-free policy, we have a rigorous random drug testing policy that applies to all White House staff.

Each day, when White House employees report to work, they know that they may receive a letter requiring that they report for a drug test that day. Each year, approximately 12 percent of our employees are tested. They never know in advance that they will be tested.

In addition to the random testing applicable to all employees, 21 of the approximately 3,000 individuals who have served in the Executive Office of the President since January, 1993 -- nine of whom still work in the Executive Office of the President -- have been subject to more frequent, regular, non-random, surprise testing because of their past drug use. None of these 21 has ever tested positive in these tests. And, I emphasize that this more frequent testing is not "random," as you describe it. It is unannounced like our standard random tests, but this effort provides for twice-a-year tests precisely for these particular employees. Hence, I refer to this testing in this letter as "special drug testing."

The White House's comprehensive zero tolerance policy, which includes the above-described drug testing, ensures that our workplace remains drug free. We commend our program to the Congress, which, I gather, has no testing program. ("Drug Tests Still a Rarity on the Hill", Roll Call, July 22, 1996).

In preparing our response to your letter, we are mindful of your clear statement that you are not seeking information relating to particular individuals. As you have recognized, the disclosure of such information would raise serious privacy concerns. I am confident that we can nevertheless provide to you information to shed light on the President's drug-free workplace policy and, in particular, how it applies in the cases of those whose experiences with drugs in their past, and later commitment to a drug-free life, led to their being subjected to special drug testing.

Having said that, I must tell you that we have struggled to discern how we may be specifically responsive to your first and second requests without divulging information that would relate to particular individuals -- which you made clear you do not want us to do -- or leave you with documents that are so heavily redacted that they will not aid your understanding of the issues. Your second request, in particular, asks about four specific individuals by name. This request could be understood to suggest that you wish us to review these individuals' FBI background investigation files to see whether there is derogatory information of any sort that might have caused the Secret Service to raise a "concern". I invite you to call me to discuss these concerns.

In response to questions No. 3 and No. 4, I do want to make sure that you are informed about how special drug testing works. As part of its routine process for ascertaining the suitability of individuals for employment in the Executive Office of the President (EOP), all applicants are required to complete a pre-employment questionnaire, submit to a pre-employment security interview, and submit to a drug test¹. Within 30 days of entering on duty, employees are required to submit a *Questionnaire for Sensitive Positions* (SF-86) and appropriate releases so that the FBI can conduct a background investigation. Upon completion of that investigation, the FBI background investigation file and related materials are referred to the Secret Service and, as appropriate, a recommendation is made for the issuance of a permanent pass.

In a small number of instances, the Office of White House Counsel, in consultation with the Secret Service, determined that an individual should be issued a pass only if he or she agrees to be subject to the more frequent, non-random special drug testing protocol described above. This means being tested unannounced twice a year under the same conditions as the standard random testing program in the EOP's Drug-Free Workplace Plan. These individuals are so designated because information developed in the course of the security clearance process or supplied by the individual suggested that it would be prudent to

1 Only applicants for Testing Designated Positions (TDPs) pursuant to the Drug-Free Workplace Plan are required to submit to a drug test. All employees in the White House and well over 95% of EOP employees are in TDPs.

The Honorable William Clinger, Jr.
July 31, 1996
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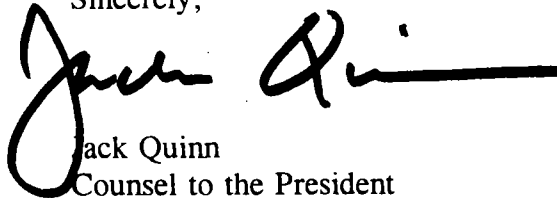
do so. **However, it bears emphasis that, as the Secret Service has acknowledged, the White House has never directed the Secret Service to issue a pass in circumstances where it was otherwise reluctant to do so.** See GAO Report B-265771, 18 (October 15, 1995) ("Personnel Security").

The White House Counsel's Office periodically advises the Office of Administration (OA), which administers the EOP random testing program, of the names of the individuals currently subject to special testing, to ensure that those individuals are included in unannounced tests twice each year. Periodically throughout the year, in the ordinary operation of its random testing program, OA draws a random sample of employees in TDPs. The individuals subject to special testing are called as part of that process and are tested under the same conditions as other EOP employees.

The White House Counsel Office staff who have been involved since 1993 in the overseeing or supervising of special drug testing are Bill Kennedy, Beth Nolan, and Chris Cerf. Of course, there are also career staff in OA who assist in administering the tests.

To aid your further understanding of how special drug testing works, I am enclosing copies of some of the relevant forms, including a sample of the agreement that a White House staff person subject to special drug testing would sign, and a copy of the EOP's Drug-Free Workplace Plan.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack Quinn", with a long horizontal stroke extending to the right.

Jack Quinn
Counsel to the President

Enclosures

cc: The Honorable Cardiss Collins

THE WHITE HOUSE
WASHINGTON

**PRIVILEGED AND CONFIDENTIAL
EYES ONLY**

MEMORANDUM FOR MARY BECK
OFFICE OF ADMINISTRATION

FROM: BETH NOLAN *bn*
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Drug Testing

As we have discussed, the Counsel's Office will be notifying you from time to time of the names of individuals who should be subject to unannounced drug testing. Attached is a list of persons who should be scheduled for such testing this month. Please report to me that such testing has occurred. Any positive results should also be reported to me.

Please call me at 6-6229 if you have any questions.

MEMORANDUM FOR FILE

FROM: CRAIG LIVINGSTONE
DIRECTOR, WHITE HOUSE PERSONNEL SECURITY

RE: {Insert Name}

On April 25, 1994, {Insert Name} was interviewed by Craig Livingstone regarding drug abuse as set forth in the Federal Bureau of Investigation's full field background investigation dated {Insert Date}.

{Insert Name} acknowledged the drug use set forth in the investigation. {Insert Name} was informed that any { } {illegal use of controlled substances} would be grounds for and would result in immediate termination. {Insert Name} agreed to submit to random drug testing in the future, as may be requested by the Office of Management and Administration, and agreed adverse results of any such testing will be shared immediately with the United States Secret Service. Such random testing will consist of at least two tests per calendar year, to be administered by the Personnel Management Division of the Office of Management and Administration.

{Insert Name}, by the placing of {her or him or his} signature below, has acknowledged that (i) {he or she} has read and understood fully the matters addressed herein; (ii) has been advised that {he or she} is entitled to obtain the advice of counsel regarding the contents hereof prior to its execution, and has obtained such advice if deemed necessary; (iii) is executing this Memorandum in the exercise of {her or his} free will, with a full understanding of the meaning hereof and without duress or coercion, and (iv) agrees that the information contained herein may be released to the United States Secret Service.

Executed this ____ day of _____, 1994.

Signature

cc: SAIC/White House Division
United States Secret Service

THE WHITE HOUSE

WASHINGTON

July 31, 1996

BY FACSIMILE

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

Dear Chairman Clinger:

This letter responds to your letter of July 23, 1996 to Jack Quinn, in which you identify what you understand to be outstanding Committee requests. We have responded to your requests in letters dated June 25, July 5, July 8, July 9 (two letters), July 12, July 14, and July 16, 1996. As we have explained in these responses, our answers necessarily have been incomplete because the Independent Counsel requested that we secure both the Office of Personnel Security and the room in which the Office of Records Management maintains records archived from OPS. As a result, any records responsive to your numerous requests that may be located in these offices have been unavailable to us for review.

The Independent Counsel recently has permitted access to the records in ORM and we have begun the process of reviewing them for material requested by the Committee. Additional responsive documents will be provided shortly. As soon as we have access to documents in OPS, we will review them and produce any additional responsive material to you as promptly as possible.

The specific questions that you identify as outstanding are discussed below. In general, as we observed earlier, answering many of the questions repeated in your July 23, 1996 letter would require the White House to undertake an investigation of the FBI files matter, including the interviewing of witnesses. We have determined, as you know, not to undertake our own investigation in light of ongoing inquiries by others. We have, however, been providing documents to you that bear on the questions you raise. Further, your Committee has been questioning the relevant witnesses, both through depositions and in hearings, and we have encouraged White House officials to cooperate with your efforts. For example, the Committee has questioned Craig Livingstone, William Kennedy, Bernard Nussbaum, George Stephanopoulos and others about the hiring and clearance of Craig Livingstone. Further, you have reviewed Mr. Livingstone's confidential FBI file. Our own

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inquiry of these same individuals for the purpose of providing to you answers to questions you have already asked them would appear to an unnecessary duplication of your own efforts.

1.) Who sponsored Mr. Livingstone during the Presidential transition for White House employment?

Response: We have provided all White House records we have been able to locate related to this question. As we are not conducting our own investigation, for the reasons set forth above, we do not have additional responsive information.

2.) What role did Eli Segal play in support of Mr. Livingstone's application?

Response: We have provided all personnel documents available to us related to the hiring of Mr. Livingstone. In addition, I am attaching to this letter a recent statement released by Mr. Eli Segal that addresses this question. As we are not conducting our own investigation, for the reasons set forth above, we do not have additional responsive information.

3.) Who provided letters of recommendation on Mr. Livingstone's behalf?

Response: We have provided all White House records we have been able to locate related to this question.

4.) Is it correct that although Mr. Livingstone was appointed on March 11, 1993, his security clearance was not approved until December of 1995?

Response: No. (Please see response to Question 5.)

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?

Response: As I have explained in the course of deposition questioning, Mr. Livingstone's FBI background investigation was completed and adjudicated in March 1993; he was granted a temporary security clearance at that time, pending issuance of a permanent pass. On the basis of that and a review of his background file, in May 1993, the CIA granted Mr. Livingstone an SCI-level clearance.

Carrying on a practice that had been in place during prior administrations, favorable adjudication of a background check was considered the equivalent of a "Top Secret" clearance. (Of course, access to Top Secret material is afforded only to those with a "need to know.") Mr. Livingstone received his permanent pass in November 1993.

In August 1995, the President signed an Executive Order that had the effect of requiring that the White House undertake an independent review of a White House employee's file for purposes of granting a security clearance. Pursuant to the practice established as a result of this Executive Order, and as evidenced by documents we have provided to the Committee, Mr. Livingstone's security clearance was formalized in December 1995. For more information about the security clearance procedures, please refer to Jack Quinn's July 30, 1996 response to Chairman Clinger's letter of July 22, 1996.

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?

Response: We have provided all White House records we have been able to locate related to this question. We understand the Committee deposed Mr. Stephanopoulos and presumably used the opportunity to question him directly about 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?

Response: As set forth above, we are not conducting our own investigation. (We understand the Committee has taken the deposition of Mr. Stephanopoulos.) We have provided all White House records we have been able to locate related to this question.

8.) Has the White House conducted its own inquiry into the matter?

Response: No.

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9.) Have any White House staff participated in interviewing participants in the FBI story during the last several weeks?

Response: Although we are not conducting our own investigation, we have, of course, spoken with people who may have information necessary for responding to your inquiry as well as others.

10.) How many versions of the Personal Data Statement Questionnaire have been used since January 20, 1993?

Response: We have provided a complete response to Questions 10-14 concerning the Personal Data Statement Questionnaire in a letter from Jack Quinn to you dated July 30, 1996. In brief, we have identified six versions of the PDS used during this Administration.

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.

Response: As elaborated in Mr. Quinn's letter of July 30, 1996, the PDS forms are distributed to Title 3 employees in the White House Office, the Office of Policy Development, the Office of the Vice President, and the Executive Residence. In addition, the PDS forms are distributed to non-career members of the Senior Executive Service employed by the Office of National Drug Control Policy, the Office of Science and Technology Policy, and the United States Trade Representative.

12.) What White House offices used this questionnaire for employment screening purposes?

Response: Please see response to Question 11, above, and Mr. Quinn's letter of July 30, 1996.

13.) Which components within the Executive Office of the President used the questionnaire for employment screening purposes?

Response: Please see response to Question 11, above, and Mr. Quinn's letter of July 30, 1996.

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14). Which offices and/or employees reviewed the completed questionnaire?

Response: As elaborated in Mr. Quinn's letter of July 30, 1996, until recently, PDS forms completed by Title 3 employees in the White House Office, the Office of Policy Development, the Office of the Vice President, and the Executive Residence were reviewed by the Director of OPS. Currently, they are reviewed by the EOP Security Officer. PDS forms completed by non-career members of the Senior Executive Service employed by the Office of National Drug Control Policy, the Office of Science and Technology Policy, and the United States Trade Representative are reviewed by their respective general counsel offices.

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

Response: We have provided all White House records we have been able to locate at this time related to this question.

16.) When did Mr. Livingstone obtain his security clearance; what level of clearance did he receive and who vetted him?

Response: Please see response to Questions 4 and 5 above. As Mr. Kennedy has explained in his testimony before the Committee, he was responsible for adjudicating Mr. Livingstone's background file.

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.

Response: The relevant records show no occasion on which Mr. Livingstone has been in the White House Residence from January 1, 1996 to the present.

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.

Response: Records responsive to this request have been maintained by ORM in the room that only recently has become available to us. We currently are reviewing these records and will produce any responsive material as promptly as possible.

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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.

Response: Records responsive to this request have been maintained by ORM in the room that only recently has become available to us. We currently are reviewing these records and will produce any responsive material as promptly as possible. Please be aware that it will require approximately 40 hours to load and run the computer tapes that contain the information necessary for responding to this request.

20.) Please provide all records of phone logs or messages from Mr. Livingstone from January 20, 1993, to present.

Response: Records responsive to this request have been maintained by ORM in the room that only recently has become available to us. We currently are reviewing these records and will produce any responsive material as promptly as possible.

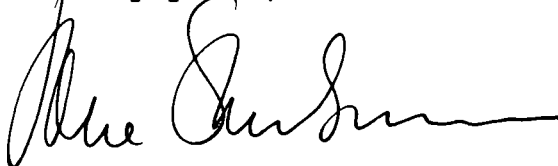
21.) Please provide all records reflecting any reprimands regarding issues related to White House passes or security clearances or the obtaining of FBI background files of William Kennedy, Craig Livingstone, Anthony Marceca, or any staff (paid or unpaid) of the Office of Personnel Security of White House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

Response: We have not located any such records.

We have been and will continue to be diligent in our efforts to review documents as they become available to us and to provide you with responsive material promptly.

Please give me a call if you have any questions.

Sincerely yours,

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

Jane C. Sherburne
Special Counsel to the President

Enclosure

cc: Hon. Cardiss Collins (with enclosure)

ELIJ. SEGAL

7/2/96

Statement

In December, 1992, at his request,

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

Eli J. Segal