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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF ADMINISTRATION
Washington, D.C. 20503

July 8, 1996

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

Dear Chairman Clinger:

This letter responds to your letter of July 8, 1996 to Mary Beck, Associate Director for Human Resources Management, Office of Administration, requesting "a listing of all White House Residence staff during the period January 20, 1993 through December 31, 1993."

The Office of Administration is not the servicing personnel office for Executive Residence staff. Accordingly, we have forwarded your letter to Gary Walters, Chief Usher, Executive Residence, for his reply to your request.

Very truly yours,

A handwritten signature in dark ink, appearing to read "N. W. Cunningham", is written over a horizontal line.

Nelson W. Cunningham
General Counsel

cc: Hon. Cardiss Collins
Ranking Member

Gary Walters
Chief Usher
Executive Residence

WILLIAM F. CLINGER, JR., PENNSYLVANIA
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MARSHALL "MARK" EARNFORTH, SOUTH CAROLINA
ROBERT L. EHLICH, 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

July 11, 1996

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BERNARD SANDERS, VERMONT
INDEPENDENT

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

President William J. Clinton
The White House
Washington, D.C. 20500

Dear President Clinton:

As you are aware, the Committee on Government Reform and Oversight is conducting an investigation with respect to the White House Travel Office and related matters. This investigation is being conducted pursuant to the Committee's authority under Rules X and XI of the House of Representatives.

On Wednesday, June 26, 1996 the House Government Reform and Oversight Committee held a hearing during which it received testimony related to the hiring of David Craig Livingstone as Director of the Office of White House Personnel Security. The hearing panel included Bernard W. Nussbaum, William H. Kennedy III and David Craig Livingstone. Although Mr. Nussbaum accepted ultimate responsibility for Mr. Livingstone's appointment, he did not know who had originally hired Mr. Livingstone. Similarly, Mr. Kennedy accepted responsibility for approving the appointment of Mr. Livingstone, yet he did not know who had authorized the initial placement of Livingstone in the White House. Mr. Livingstone himself was unable to inform the Committee who had authorized his transition from the Inaugural Committee to Presidential advance work, to his appointment as Director of White House Personnel Security. Accordingly, the Committee is attempting to gather information on the hiring or appointment of Mr. Livingstone from other sources.

In order to enable this Committee to perform a thorough review of all events under investigation, I am requesting the production of all records created during the Clinton/Gore transition period relating to hiring David Craig Livingstone or Anthony Marceca for inaugural staff and/or White House employment. It is my understanding that there are documents, referred to as transition papers, which discuss recommendations for staff members or volunteers to be placed in positions within the administration.

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July 11, 1996
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I am hoping that the transition papers may shed some light on who participated in the hiring of Mr. Livingstone. I would ask that you please direct this request to the custodian of the transition papers for the Clinton administration and instruct that individual to immediately respond to the Committee. Thank you for your cooperation in this matter.

Sincerely,



William F. Clinger, Jr.
Chairman

cc: Representative Cardiss Collins

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2157 RAYBURN HOUSE OFFICE BUILDING

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BERNARD SANDERS, VERMONT
INDEPENDENT

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

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The White House
Washington, D.C. 20500

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2157 RAYBURN HOUSE OFFICE BUILDING

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BERNARD SANDERS, VERMONT
INDEPENDENT

MAJORITY—(209) 896-6074
MINORITY—(202) 825-6051

July 9, 1996

Jack Quinn, Esquire
White House Counsel
The White House
Washington, D.C. 20515

Dear Mr. Quinn:

On Tuesday, July 2, 1996, Committee counsels spent approximately four hours at FBI Headquarters reviewing documents received from the White House following the discovery of the improper receipt of hundreds of FBI background files of prior administration officials. At the end of the review, Maggie Owens, the FBI legislative liaison, was asked to produce copies of selected Secret Service lists and other lists in their possession. Ms. Owens initially voiced a concern that the Independent Counsel might object to production of these files to this Committee and that no production could be made from the FBI without their approval. After receiving written and oral authorization from the Independent Counsel to produce these materials to the Committee, we were assured that delivery would be made as soon as the copies could be run through the copy machine. Ms. Owens said that she would try to produce the documents to the Committee by close of business on Wednesday, July 3, 1996.

Late Wednesday evening, Ms. Owens left a voice mail message for Barbara Olson that Jane Sherburne had instructed her not to produce any of the

Mr. Quinn
Page 2
July 9, 1996

requested copies of these documents in the FBI's possession. We were informed that Jane Sherburne instructed the FBI that these documents must be produced only with the approval of the White House Counsel's Office since they were "White House documents subject to the third party agency rule." No explanation was given for why these documents were suddenly called back by the White House as soon as the Government Reform and Oversight Committee requested copies. Nor was it explained how the White House squares its sudden repossession with the public announcements that the White House would not become involved in the investigation of its own improper receipt of FBI background files.

In response to this unexpected message, the FBI informed my staff that the Department of Justice met with the FBI on Wednesday and instructed them to call the White House before producing these documents to the Committee. Department of Justice attorney, Paul Coburn did not initially recall giving Ms. Owens any advice concerning the delivery of these files last Wednesday but stated that he may have told her about the "third party agency rule."

Last night, after receiving a copy of all documents back from the FBI, Ms. Sherburne copied a portion of the requested documents and had them delivered. The White House's production of these documents does not include certain documents that my staff recalls requesting from the FBI. As a result, I am renewing my request to the FBI to copy all documents we identified last week and to produce them to this Committee today. Obviously, your approval to the FBI is necessary for this production. Accordingly, I am requesting that you call Ms. Owens at the FBI today in order to facilitate this production.

Finally, as you are aware, the Committee on Government Reform and Oversight is reviewing the activities of Anthony Marceca surrounding his White House detail as well as all other contacts he had with White House personnel. Based on information received, we understand that Mr. Marceca completed applications for a Schedule C or Presidential Appointment during the time of his detail to the White House in 1993 and again after his detail ended in 1994.

Mr. Quinn
Page 3
July 9, 1996

We believe that one of the positions Mr. Marceca applied for was Inspector General and/or a United States Marshal presidential appointment.

It is our understanding that Mr. Marceca was interviewed for a presidential appointment with the White House Office of Personnel and that White House personnel spoke to an Assistant Secretary of the Department of the Interior concerning the possibility of Mr. Marceca's appointment at that agency. We also have information that Mr. Marceca had access to the White House as early as March, 1993 and the White House continued to request he have White House pass clearance at least through February, 1995.

Please produce all records of any kind concerning any application or request by or on the behalf of Mr. Marceca for any position within the White House or other federal agency. This production should include, but is not limited to, all letters of recommendation, records of meetings or interviews. Please provide all related documentation created as a result of any of the above-mentioned activities whether or not the requested action was approved or merely discussed concerning any activities of Mr. Marceca. This production should include, but is not limited to, information concerning background investigations or reviews conducted involving Anthony Marceca from January, 1993 to the present date. Please provide telephone logs and calendars of any individuals including those in Presidential Personnel, that scheduled or discussed interviews with Mr. Marceca. Specifically, include all records of any interview scheduled on or about January 26, 1994, as well as all other relevant dates.

Additionally, if Mr. Marceca had any involvement whatsoever concerning any official or unofficial investigation of the procurement practices of the White House Travel Office or of any aspect of the procurement of the services of UltraAir at any time, please produce all records pertaining to such activity.

Mr. Quinn
Page 4
July 9, 1996

Due to the necessity of a timely response, please provide all responsive records in your possession no later than close of business on Thursday, July 11, 1996.

Sincerely,


William F. Clinger
Chairman

cc: The Honorable Cardiss Collins
The Honorable Louis Freeh

THE WHITE HOUSE
WASHINGTON

July 9, 1996

BY TELECOPY

The Honorable Dan Burton
2411 Rayburn House Office Building
U. S. House of Representatives
Washington, D.C. 20515

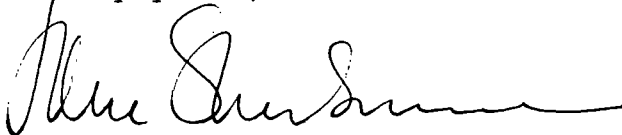
Dear Representative Burton:

This letter responds to your letter to the President received at the White House on June 25, 1996.

Your letter inquires as to whether IRS information was sought for certain former White House employees whose FBI files were mistakenly requested. We are not aware of any effort to obtain improperly personal tax information from the IRS. Moreover, although the White House receives certain tax information as part of the background investigation into new employees and employees undergoing a reinvestigation, the IRS will not provide such information unless it has a current tax check waiver, which is only valid for 60 days after it is signed by the employee. A copy of the tax check waiver form is attached for your information.

The White House is cooperating fully with the investigation of the Office of the Independent Counsel into the FBI files matter. As a result, we are not in a position to answer many of your questions because relevant records are not accessible. However, enclosed is a letter sent by Howard M. Shapiro, General Counsel to the FBI, to Senator Hatch which addresses many of your inquiries.

Sincerely yours,



Jane C. Sherburne
Special Counsel to the President

Enclosures

cc: Hon. Cardiss Collins

THE WHITE HOUSE
WASHINGTON

July 9, 1996

BY HAND DELIVERY

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 further response to your letter of June 21, 1996.

Enclosed are documents we have identified thus far that are responsive to your requests bearing the Bates stamped numbers CGE 47835-48077, 48079-48125, 48128-48218, 48220-48228. As always, 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.

As you are aware, certain documents are unavailable to us for review at this time due to restrictions placed on us by the Independent Counsel. As soon as we are able to review these documents, we will provide additional responsive materials.

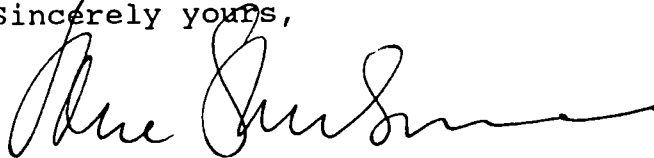
In response to Questions No. 4 & 5, attached to this letter is a list of employees, detailees and interns who have worked in the Office of Personnel Security. Information about the dates each received a security clearance is inaccessible at the present time.

Documents previously produced, or in this production, contain certain information about salaries of persons working in the Office of Personnel Security. We will provide additional information responsive to Question No. 3 shortly.

Hon. William F. Clinger, Jr., Chairman
July 9, 1996

Finally, the request stated in Question No. 6 generated a great deal of confusion. We have enclosed a copy of the clarification we provided for your information.

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

cc: Honorable Cardiss Collins (w/enclosures)

Hon. William F. Clinger, Jr., Chairman
July 9, 1996

Attachment

Current and Previous Employees, Office of Personnel Security

Mari Anderson
Mary Childs
Jane Dannenhauer
Jonathan Denbo (started as employee 9/19/95)
Nancy Gemmell
Edward Hughes (started as employee 4/12/94)
Kari Johnson
Craig Livingstone
Anthony Marceca (detailee)
Lisa Wetzl (started as employee 8/15/93)

Interns

Summer 1993

Lisa Wetzl
Erin Bertocci
Luis Colon
Melissa Evantash

Fall 1993

Samantha Ziskind
Joseph Foudy

Spring 1994

Erik Aslaksen
Karen Felder
Edward Hughes

Summer 1994

Gina Gibson
Jonathan Denbo
Angel Hernandez
Charles Johnson

Fall 1994

Julie McCord
Salvatore Recupero
Christian Jacobus
Jill Mikulski

Hon. William F. Clinger, Jr., Chairman
July 9, 1996

Winter 1994
Myongrae Lee

Spring 1995
Devon Tervay
Christopher Allen

Summer 1995
Jessica Luterman
Emily Moulton
Benjamin Morrison
Robert Hsuing

Fall 1995
Michael Riccardi
Stacey Speigel

Winter 1995
none

Spring 1996
Jennifer Dowdell
Darren Hamrick

Summer 1996
Richard Orintas
Lawrence Yeatman

THE WHITE HOUSE

WASHINGTON

June 25, 1996

MEMORANDUM

TO: All Staff of the White House and Office
of Administration

FROM: Jane C. Sherburne
Special Counsel to the President

Wendy S. White
Associate Counsel to the President

RE: Clarification of House Committee Document Request
of June 21, 1996
(Memorandum to Staff dated June 24, 1996)

We have received a number of telephone calls concerning the scope of the above request. We have redrafted the request, in order to clarify what documents we believe are being sought, as follows:

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, Trey Schroeder, Ed Hughes, Jonathan Denbo, Mari Anderson or Ms. Lisa Wetzel regarding --

1. Procedures for the updating of White House passes;
2. Security clearance procedures and the use of FBI background files requested by or on behalf of the White House Office of Personnel Security; or
3. The operation of the Office of Personnel Security.

The request, as we understand it, does not require production of your Personal Data Statement & Questionnaire or communications with the Office of Personnel Security about individual matters. In addition, you need not produce at this time any routine requests for White House passes or requests for security clearances prepared in the ordinary course of business.

We understand that this request raises a number of issues. Please do not hesitate to call us for help in resolving them. (Jane Sherburne 6-5116 or Wendy White 6-7361).

AL

100

1 3

WILLIAM F. CLINGER, JR., PENNSYLVANIA
CHAIRMAN

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House of Representatives

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BENARD SANDERS, VERMONT
INDEPENDENT

MAJORITY—(209) 895-6074
MINORITY—(202) 225-6051

July 9, 1996

Jack Quinn, Esquire
White House Counsel
The White House
Washington, D.C. 20515

Dear Mr. Quinn:

On Tuesday, July 2, 1996, Committee counsels spent approximately four hours at FBI Headquarters reviewing documents received from the White House following the discovery of the improper receipt of hundreds of FBI background files of prior administration officials. At the end of the review, Maggie Owens, the FBI legislative liaison, was asked to produce copies of selected Secret Service lists and other lists in their possession. Ms. Owens initially voiced a concern that the Independent Counsel might object to production of these files to this Committee and that no production could be made from the FBI without their approval. After receiving written and oral authorization from the Independent Counsel to produce these materials to the Committee, we were assured that delivery would be made as soon as the copies could be run through the copy machine. Ms. Owens said that she would try to produce the documents to the Committee by close of business on Wednesday, July 3, 1996.

Late Wednesday evening, Ms. Owens left a voice mail message for Barbara Olson that Jane Sherburne had instructed her not to produce any of the

Mr. Quinn
Page 2
July 9, 1996

requested copies of these documents in the FBI's possession. We were informed that Jane Sherburne instructed the FBI that these documents must be produced only with the approval of the White House Counsel's Office since they were "White House documents subject to the third party agency rule." No explanation was given for why these documents were suddenly called back by the White House as soon as the Government Reform and Oversight Committee requested copies. Nor was it explained how the White House squares its sudden repossession with the public announcements that the White House would not become involved in the investigation of its own improper receipt of FBI background files.

In response to this unexpected message, the FBI informed my staff that the Department of Justice met with the FBI on Wednesday and instructed them to call the White House before producing these documents to the Committee. Department of Justice attorney, Paul Coburn did not initially recall giving Ms. Owens any advice concerning the delivery of these files last Wednesday but stated that he may have told her about the "third party agency rule."

Last night, after receiving a copy of all documents back from the FBI, Ms. Sherburne copied a portion of the requested documents and had them delivered. The White House's production of these documents does not include certain documents that my staff recalls requesting from the FBI. As a result, I am renewing my request to the FBI to copy all documents we identified last week and to produce them to this Committee today. Obviously, your approval to the FBI is necessary for this production. Accordingly, I am requesting that you call Ms. Owens at the FBI today in order to facilitate this production.

Finally, as you are aware, the Committee on Government Reform and Oversight is reviewing the activities of Anthony Marceca surrounding his White House detail as well as all other contacts he had with White House personnel. Based on information received, we understand that Mr. Marceca completed applications for a Schedule C or Presidential Appointment during the time of his detail to the White House in 1993 and again after his detail ended in 1994.

Mr. Quinn
Page 3
July 9, 1996

We believe that one of the positions Mr. Marceca applied for was Inspector General and/or a United States Marshal presidential appointment.

It is our understanding that Mr. Marceca was interviewed for a presidential appointment with the White House Office of Personnel and that White House personnel spoke to an Assistant Secretary of the Department of the Interior concerning the possibility of Mr. Marceca's appointment at that agency. We also have information that Mr. Marceca had access to the White House as early as March, 1993 and the White House continued to request he have White House pass clearance at least through February, 1995.

Please produce all records of any kind concerning any application or request by or on the behalf of Mr. Marceca for any position within the White House or other federal agency. This production should include, but is not limited to, all letters of recommendation, records of meetings or interviews. Please provide all related documentation created as a result of any of the above-mentioned activities whether or not the requested action was approved or merely discussed concerning any activities of Mr. Marceca. This production should include, but is not limited to, information concerning background investigations or reviews conducted involving Anthony Marceca from January, 1993 to the present date. Please provide telephone logs and calendars of any individuals including those in Presidential Personnel, that scheduled or discussed interviews with Mr. Marceca. Specifically, include all records of any interview scheduled on or about January 26, 1994, as well as all other relevant dates.

Additionally, if Mr. Marceca had any involvement whatsoever concerning any official or unofficial investigation of the procurement practices of the White House Travel Office or of any aspect of the procurement of the services of UltraAir at any time, please produce all records pertaining to such activity.

Mr. Quinn
Page 4
July 9, 1996

Due to the necessity of a timely response, please provide all responsive records in your possession no later than close of business on Thursday, July 11, 1996.

Sincerely,


William F. Clinger
Chairman

cc: The Honorable Cardiss Collins
The Honorable Louis Freeh

THE WHITE HOUSE
WASHINGTON

July 9, 1996

BY HAND DELIVERY

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:

In accordance with the representation I made yesterday in my letter transmitting the bulk of the White House records you requested from the FBI, enclosed is a copy of the Update Project file you also requested. (CGE 48229-48342.) I understand we have now provided you with all of the White House records you requested from the FBI. Please let me know if you have a contrary understanding.

Let me clarify the misapprehension reflected in your letter of today to Mr. Quinn. On June 6, 1996, the White House provided the FBI with three boxes of material, two of which contained primarily FBI files and a third that contained what appeared to be miscellaneous files. We did not examine the contents of the boxes other than to identify file labels so we were not able to determine whether the third box contained material in which the FBI would have an interest. Erring on the side of caution, we decided to provide the entire box to the FBI and the FBI agreed to provide us with a copy. Contrary to the assumption in your letter, we did not just receive this material yesterday (although the FBI inexplicably did provide us with another copy). Rather, the FBI provided us with a copy within a few days of June 6, 1996. Mr. Shapiro's letter transmitting this material is attached.

When contacted by the FBI on July 3, 1996, we were simply asked whether the White House had any objection to the production of certain White House records to the Committee. We were not told when the Committee had made its request or that the Committee was expecting to receive such material on July 3,

Hon. William F. Clinger, Chairman
July 9, 1996
Page 2

1996. In accordance with standard practice, we informed the FBI that we would produce these White House records to the Committee, which we now have done.

Sincerely yours,

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

Jane C. Sherburne
Special Counsel to the President

cc: Hon. Cardiss Collins
Attachment



U.S. Department of Justice

Federal Bureau of Investigation

Office of the General Counsel

Washington, D.C. 20535

June 13, 1996

BY COURIER

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

Dear Ms. Sherburne:

In accordance with the oral agreement made with you by my Deputy, Tom Kelley, on the evening of June 6, 1996, I am returning herewith a xerox copy of the contents of carton CF216. That carton was one of the three cartons of records you turned over to Mr. Kelley and Inspector Kitchen that evening. We have retained the original carton and its contents.

Sincerely,

Howard M. Shapiro
General Counsel

Enclosure

THE WHITE HOUSE

WASHINGTON

July 8, 1996

BY HAND DELIVERY

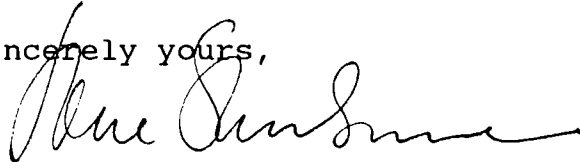
The Honorable William F. Clinger, Jr., Chairman
Committee on Government Reform and Oversight
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Dear Chairman Clinger:

We have been informed by the FBI that you are interested in receiving copies of certain White House records that your staff reviewed at the FBI. Enclosed are the records we understand you requested. (CGE 046577-047834.) We gather you also expressed interest in one of the Update Project files. We have asked the FBI to identify your request more specifically so that we can be sure we are providing you with the correct material. We hope to produce any additional material tomorrow.

As always, 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,



Jane C. Sherburne
Special Counsel to the President

cc: Hon. Cardiss Collins

cc: Rep. Cardiss Collins



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF ADMINISTRATION
Washington, D.C. 20503

July 8, 1996

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

Dear Chairman Clinger:

This letter responds to your letter of July 8, 1996 to Mary Beck, Associate Director for Human Resources Management, Office of Administration, requesting "a listing of all White House Residence staff during the period January 20, 1993 through December 31, 1993."

The Office of Administration is not the servicing personnel office for Executive Residence staff. Accordingly, we have forwarded your letter to Gary Walters, Chief Usher, Executive Residence, for his reply to your request.

Very truly yours,

A handwritten signature in dark ink, appearing to read "N. W. Cunningham", is written over a horizontal line.

Nelson W. Cunningham
General Counsel

cc: Hon. Cardiss Collins
Ranking Member

Gary Walters
Chief Usher
Executive Residence

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

WASHINGTON, DC 20515-6143

July 8, 1996

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INDEPENDENT

MAJORITY—(200) 875-6074
MINORITY—(202) 875-6051

BY TELEFAX

Ms. Mary Coutts Beck
Director of Personnel
The White House
Washington, D.C. 20500

Dear Ms. Beck:

As you know, the Committee on Government Reform and Oversight is conducting an investigation into how the White House came to obtain FBI background files of hundreds of former Reagan and Bush officials and issues related to the obtaining of background investigations of White House employees who were holdover employees with the change of Administrations.

I would appreciate your providing a listing of all White House Residence staff during the period January 20, 1993 through December 31, 1993. Please provide this list by 5p.m. today. Thank you for your prompt attention to this matter.

Sincerely,

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

cc: Rep. Cardiss Collins

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

05-Jul-1996 05:07pm

TO: Jane C. Sherburne
TO: Wendy S. White

FROM: Wendy E. Gray
 National Security Council

SUBJECT: House Committee Document Request June 21 & 25

No one in the NSC Speechwriting Office (Blinker, Benjamin, Showalter, Gray) maintains files containing the requested documents.

BRAND, LOWELL & RYAN

A PROFESSIONAL CORPORATION

923 FIFTEENTH STREET, N.W.

WASHINGTON, D.C. 20005

TELEPHONE: (202) 662-9700

TELECOPIER: (202) 737-7565

July 5, 1996

HAND-DELIVERED

Barbara Comstock, Esquire
Special Counsel
Committee on Government Reform
and Oversight
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Re: George Stephanopoulos

Dear Ms. Comstock:

Following our telephone conversations to arrange for Mr. Stephanopoulos' deposition for Thursday, July 11, 1996, certain press reports came to my attention which indicate an effort by the Committee to mischaracterize and distort the facts surrounding Mr. Stephanopoulos' role in connection with the appointment of Craig Livingstone.

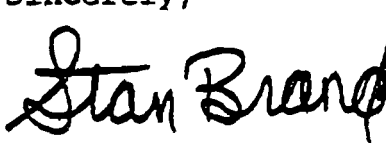
Specifically, the Committee has apparently already mistakenly and prematurely concluded that Mr. Stephanopoulos' public statement "does not comport" with written communications obtained by your Committee. By providing Mr. Livingstone's letter seeking assistance in securing a White House position without also disclosing the evidence which demonstrates that Mr. Stephanopoulos instructed his staff to do "nothing" with respect to this request, you have told only half the story. The Committee has consistently stated its intent to seek to ascertain the facts in a fair, non-partisan and thorough fashion, yet this kind of selective leak seriously undercuts the Committee's claim that the investigation is designed to get the facts. Moreover, concluding on the basis of a single request for assistance -- rebuffed by Mr. Stephanopoulos -- that there existed a "close personal relationship" is misleading and unsupported by the record.

BRAND, LOWELL & RYAN

Barbara Comstock, Esquire
July 5, 1996
Page 2

In order to prevent these kinds of leaks and unsupported conclusions, I request that the transcript of Mr. Stephanopoulos' deposition be made available in its entirety immediately following its conclusion so that the public and the press will not be misled about the facts. As you know, current House rules absolutely prohibit "evidence or testimony taken in executive session" from being "released or used in public session without the consent of the Committee." We request an assurance from you that this rule will be observed, or in the alternative, that Mr. Stephanopoulos' deposition be conducted in public.

Sincerely,

A handwritten signature in cursive script that reads "Stan Brand". The signature is written in dark ink and is positioned above the printed name.

Stanley M. Brand

SMB:ldb

THE WHITE HOUSE
WASHINGTON

July 5, 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

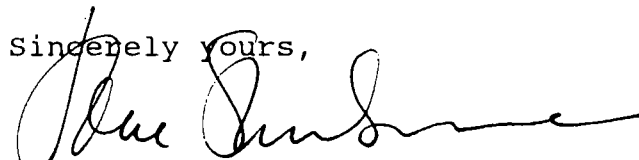
The Honorable John L. Mica
Chairman
Subcommittee on Civil Service
Committee on Government Reform
and Oversight
B371C Rayburn House Office Building
U. S. House of Representatives
Washington, D.C. 20515

Dear Chairman Clinger and Chairman Mica:

We have received your letter of July 2, 1996 regarding the Personal Data Statement Questionnaire.

Your letter requests responses to a number of questions pertaining to the Questionnaire. Although we have undertaken to retrieve the necessary information and documents, due in part to the intervening July 4th holiday, we are unable to meet your deadline of today. We are preparing a response to your inquiry as promptly as possible.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'Jane C. Sherburne', written over the typed name.

Jane C. Sherburne
Special Counsel to the President

cc: Honorable Cardiss Collins
Honorable James Moran

ID: 2022262144

JUL 02 '96 18:08 No.009 P.02

WILLIAM F. CLINGER, JR., PENNSYLVANIA
CHAIRMANBENJAMIN A. GRIFFIN, NEW YORK
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Congress of the United States
House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

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July 2, 1996

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TIM HOLLER, PENNSYLVANIABERNARD SANDERS, VERMONT
INDEPENDENTMAJORITY - (202) 505-5051
MINORITY - (202) 505-5051Jack 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:

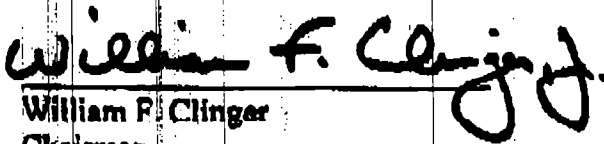
- 1) How many different versions of the Personal Data Statement Questionnaire have been used between January 20, 1993 and this date. Please enclose copies of each such version and indicate the specific period of time during which it was used.
- 2) To which employees or applicants were these questionnaires 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?

ID: 2022262144

JUL 02 '96 18:08 No.009 P.03

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

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BILL THOMAS, CALIFORNIA
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COMMITTEE ON WAYS AND MEANS

U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6348

July 2, 1996

PHILIP D. MOFFLEY, CHIEF OF STAFF

JANICE MAYO, MINORITY CHIEF COUNSEL

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

Dear Mr. Quinn:

Congressional hearings concerning the improper disclosure to the White House of over 700 Federal Bureau of Investigation (FBI) files on former White House employees and other individuals raise numerous questions on how the White House treats tax return information which it acquires in the course of background checks on individuals. The purpose of this letter is to gather information on what types of tax return information are sought by the White House and whether the White House follows appropriate safeguards with respect to such information.

Since the Committee on Ways and Means has jurisdiction over the revenue laws, it has a responsibility to exercise Congressional oversight in order to assure that the Internal Revenue Code is being properly observed. Accordingly, the Committee on Ways and Means is reviewing first, how the White House treats tax information which it acquires on individuals in the course of background checks; second, how the White House acted with respect to tax information related to the individuals whose 700+ FBI files were improperly requested by the White House; and third, the White House handling of tax information related to the seven persons in the White House Travel Office who were terminated on or about May 19, 1993.

By way of background, section 6103(b) of the Internal Revenue Code defines the "tax return information" of an individual which is protected as confidential. It is a very expansive definition. The privacy protections in section 6103 were enacted in 1976 as a response to the Watergate scandal, part of which involved attempts to misuse the Internal Revenue Service (IRS). If files containing tax return information are not handled in accordance with procedures designed to safeguard taxpayer privacy, then an

unlawful disclosure of tax return information may occur. A violation of the section 6103 privacy protections may be punishable as a felony under section 7213 of the Internal Revenue Code, (IRC).

First, I ask that you help me understand how the White House treats tax return information by answering the following questions:

1. On what categories of individuals does the White House seek tax return information? For example, does it seek it on all White House employees, on all persons in the "E Pass" system, on all persons with a temporary pass, on all prospective appointees to positions in the executive or judicial branches? Does the White House seek the same type of tax return information with respect to each individual or does it vary depending on the category in which the person falls?

2. Was tax return information sought on the holdover employees in the White House who were retained by the Clinton Administration after President Clinton took office in January 1993? Did these holdover persons sign waivers for their tax return information? When were these tax waivers distributed to the holdover employees? And when were they completed and returned to the Counsel's Office? Please provide a true copy of each such signed waiver.

3. Has the current White House (or anyone acting on behalf of the transition) ever sought or received any tax return information on former employees of the White House, except for persons in the holdover category? If so, please provide a list of those persons.

4. Does the White House always obtain a waiver from the person about whom the White House is seeking tax return information? When is this waiver sought?

5. Please provide me with a copy of the tax waiver form (or forms) which the White House uses to obtain the person's consent. Has this waiver form been in use since January, 1993 or has it been modified since then?

6. Has the current White House ever exercised its authority under section 6103(g) of the IRC to request tax return information from the IRS about an individual without the person giving his or her prior consent? If yes, please elaborate.

7. How many reports has the White House filed with the Joint Committee on Taxation, pursuant to its obligation under IRC section 6103(g)(5) to report requests for tax return information to the Congress?

8. Has the White House ever obtained or been made aware of any tax return information on any current or former White House employees or pass holders, other than information received pursuant to a valid waiver or the exercise of its authority under IRC section 6103(g)?

9. Please provide to me a written copy of the White House policy and procedures for handling tax return information. Which White House employees are allowed to have access to tax return information? What is the "chain of custody" for tax return information within the possession of the White House? Please describe the locations where tax return information is received and stored at the White House.

Second, with respect to the 700+ persons whose FBI files were improperly requested by the White House, please answer the following questions:

10. When were those requests made of the FBI? That is, what was the month, day, and year of the requests?

11. When were these FBI files received by the White House from the FBI?

12. When were they returned to the FBI?

13. Did the White House (or anyone acting on behalf of the transition) request tax return information from the IRS with respect to any of these persons at any time after November 3, 1992?

14. Did any of these persons sign waivers, any time after November 3, 1992, requesting or allowing the IRS to send tax return information to the White House? If so, please provide a true copy of each such signed waiver.

15. Did the White House receive, from any source, tax return information on these persons at any time after November 3, 1992? If so, describe each instance.

Third, with respect to the seven persons who were discharged from the White House Travel Office on or about May 19, 1993 (i.e., Bradley L. Brasscux, Billy R. Dale, John P. Dreylinger, Ralph T. Maughan, John McSweeney, Robert S. Van Eimeren, and Gary D. Wright) please answer the following questions:

16. Did any of these persons sign a tax waiver anytime after November 3, 1992 relative to their continuing employment at the White House? When did these persons sign such a waiver, i.e., which month, day, and year? If so, provide a true copy of each such signed waiver.

17. Did the White House receive any tax information about these persons after November 3, 1992? If so, describe each instance.

18. Did the White House receive any tax information about these persons after their termination on or about May 19, 1993? If so, describe each instance.

19. What happened to the tax return information which the White House had in its possession on these individuals after their termination on or about May 19, 1993? Where was that tax information located and who had access to it? Where is that tax information currently located and who has access to it?

I believe your answers to my questions will help the Committee in its review of these issues. Thank you for your assistance. Please submit your response by Thursday, July 11, 1996 to Phillip D. Moseley, Chief of Staff, Committee on Ways and Means, 1102 Longworth House Office Building, Washington, D.C. 20515.

Sincerely,

A handwritten signature in dark ink, appearing to read "Bill Archer", written in a cursive style.

Bill Archer
Chairman

cc: The Honorable Sam Gibbons

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

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July 2, 1996

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INDEPENDENT

MAJORITY—(208) 225-5074
MINORITY—(102) 225-5061

President William J. Clinton
The White House
Washington, D.C. 20500

Dear Mr. President:

I appreciate your office's assistance in providing this Committee with a copy of Mr. David Craig Livingstone's personnel records. Unfortunately, this is the only item among many that I have requested on June 21 and 28, 1996, that has been provided to date. These files, and other evidence recently uncovered by this Committee regarding the employment and work history of Mr. Livingstone, appear to directly contradict statements by representatives of your Administration during several public appearances and by Mr. Livingstone himself in testimony before Congress.

It appears that Mr. Livingstone developed a significant level of experience over the course of his employment in your Administration and in previous presidential campaigns conducting opposition activities and "dirty tricks." In light of the serious questions raised by the misuse of sensitive Federal Bureau of Investigation background files by your staff, I hope that you and your former security director will be forthcoming with his entire background history.

Among the numerous inconsistencies to which this information is relevant:

- ◆ Mr. George R. Stephanopoulos, appearing on your behalf on a number of television programs, suggested that the late Vincent Foster was responsible for hiring Mr. Livingstone. That charge is unsubstantiated. Who sponsored Mr. Livingstone during the Presidential Transition for employment with the White House? What role did Eli Segal play in support of Mr. Livingstone's application? Who provided letters of recommendation on Mr. Livingstone's behalf to the Clinton White House?
- ◆ We also have received contradictory information concerning the date Mr. Livingstone received his own security clearance. Is it correct that although Mr. Livingstone was appointed on March 11, 1993, his security clearance was not approved until December of 1995? This contradicts Mr. Livingstone's sworn deposition when he was asked:

Question: "Do you know when you got your security clearance in 1993?"

President William J. Clinton
July 2, 1996
Page Two

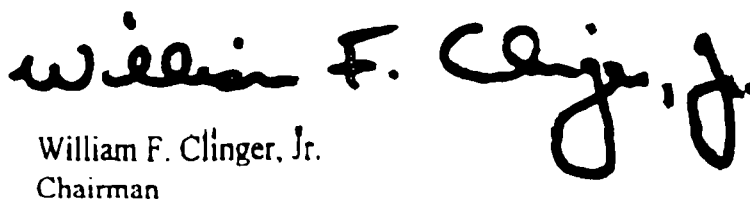
Answer: "I believe March it was completed."

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?

- ♦ It appears that Mr. Livingstone communicated directly with Mr. Stephanopoulos when seeking advancement while employed at the White House. This does not comport with Mr. Stephanopoulos' statements this past week that he barely knew Mr. Livingstone. About this same time, Mr. Stephanopoulos was quoted in the Pittsburgh Post-Gazette as saying, "[Mr. Livingstone] does a terrific job. . . And he knows how to cut through the bureaucracy and get things done." What role did Mr. Stephanopoulos play in hiring Mr. Livingstone and, considering their close personal relationship, is it appropriate to have Mr. Stephanopoulos serve as your spokesman on this matter?
- ♦ Mr. Livingstone's own resume describes his position in the Clinton/Gore campaign as "Senior Consultant to Counter-Event Operations, Clinton-Gore '92," where he says he successfully deployed several of the infamous 'Pinocchio' and 'Chicken George' media events. Not only do I question the need for such a dirty tricks operation in a presidential campaign, I question what in Mr. Livingstone's background qualified him for the highly sensitive position of Director of White House Security. What role did Mr. Stephanopolous play in supervising Mr. Livingstone in the Counter-Event Operations office? If Mr. Stephanopolous did not supervise this office, who did?
- ♦ The manner in which Mr. Stephanopoulos has responded to questions posed to him by the media appears to suggest that he has participated in a review of the FBI files issue with White House staff. Has the White House conducted its own inquiry into the matter, contrary to what I was previously told, or has Mr. Stephanopoulos simply been guessing when responding to the media? Have any White House staff participated in interviewing participants in the FBI story during the last several weeks?

These are serious questions which must be addressed before you or your spokesmen give partial or misleading answers to the American people. I would appreciate your assistance in answering these questions and in making Mr. Livingstone's full history available to the public.

Sincerely,


William F. Clinger, Jr.
Chairman

WILLIAM F. CLINGER, JR., P.
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MAJORITY—(202) 225-5074
MINORITY—(202) 225-5051

June 28, 1996

VIA FACSIMILE

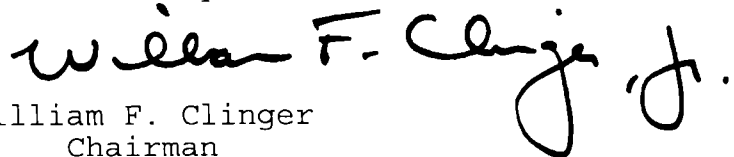
Ms. Jane C. Sherburne
Special Counsel to the President
The White House
1600 Pennsylvania Avenue, Northwest
Washington, D.C.

Dear Ms. Sherburne:

Pursuant to a telephone conference between my staff and your assistant today, I am requesting a copy of the documents provided by the White House to the Senate Judiciary Committee late last night in response to a request by Senator Biden.

I understand that the Bates Stamp numbers for those documents are S1 0001- S1 1446. Please deliver these documents to the Committee as soon as possible.

Sincerely,


William F. Clinger
Chairman

cc: The Honorable Cardiss Collins

Congress of the United States

Washington, DC 20515

June 28, 1996

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

Dear Chairman Clinger:

In the full Committee hearing on Wednesday, June 26, former White House Counsel Bernard Nussbaum asked that you correct the record regarding specific allegations you made about him on June 5, 1996.

According to an Associated Press story on that same day, you distributed to the press a form with Mr. Nussbaum's name preprinted on it and called it "a truly startling document from President Clinton's former White House counsel, Bernard Nussbaum." At your press conference, you told the country that Mr. Nussbaum had used the FBI to turn up information on former White House Travel Office employee Billy Dale. You also stated that he had lied to the FBI and could probably be prosecuted for committing a felony.

As a result of the Committee's investigation into the White House Travel Office, President Clinton has repeatedly apologized for mistakes his Administration has made. He has not, for instance, tried to defend the dismissal of Billy Dale by saying it's a matter of public record that Mr. Dale had transferred approximately \$54,000 in Travel Office funds into his personal bank account when employed at the Travel Office. Instead, the President recognized that Mr. Dale was wronged by the Administration's actions.

We are writing to ask that you follow the President's example and apologize to Mr. Nussbaum for the serious error you have made. As you know, Mr. Nussbaum testified under oath on Wednesday that--contrary to your allegations--he did not order copies of FBI files on Mr. Dale.

You responded to Mr. Nussbaum by saying that the "documents speak for themselves." Moreover, you dismissed Mr. Nussbaum's demand for an apology by suggesting that he was attempting to "demonize" you. We believe this is a wholly inadequate response.

You very publicly--and wrongly--accused Mr. Nussbaum of

possible criminal behavior. It is irrelevant whether this falsehood was innocent or intentional. What matters is that you now know you were wrong. The fair and decent course is for you to admit that you overreached and to apologize to Mr. Nussbaum. We request that you do so immediately.

Sincerely,

Cardie Collins
Dany a Wapman

Tom Barrett

Tom Hadden

Bob Miller

Jim Moran

Bob Nye

Carrie P. Meek

Karen A. Thurman

Chad Fattt

Paul E. Kanyirich

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June 28, 1996

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

VIA FACSIMILE

Ms. Jane C. Sherburne
Special Counsel to the President
The White House
1600 Pennsylvania Avenue, Northwest
Washington, D.C.

Dear Ms. Sherburne:

Pursuant to a telephone conference between my staff and your assistant today, I am requesting a copy of the documents provided by the White House to the Senate Judiciary Committee late last night in response to a request by Senator Biden.

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Sincerely,

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

cc: The Honorable Cardiss Collins

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GOVERNMENT REFORM AND OVERSIGHT

PHILIP M. SCHILIRO
ADMINISTRATIVE ASSISTANT

Congress of the United States

House of Representatives

Washington, DC 20515-0529

HENRY A. WAXMAN
29TH DISTRICT, CALIFORNIA
June 27, 1996

Dear Colleague:

As you know, the House Government Reform and Oversight Committee held a 9 1/2 hour hearing yesterday on the White House Office of Personnel Security's collection of FBI files on previous employees of the White House as part of its Update Project.

Having had the opportunity to hear the testimony of witnesses who worked in the White House Office of Personnel Security, I wanted to share with you specific information that is relevant in our review of the Administration's actions in this matter.

As you know, the Update Project consisted of the Clinton Administration's reconstruction of the security files of "holdover" employees, detailees, agency representatives, and others who had access to the White House complex. This project was necessary because every departing Administration takes all of its security files on the thousands of people with access to the White House complex and turns them over to the National Archives with Presidential Papers. In addition to recreating these files, the White House Office of Personnel Security had to determine which holdovers were due for their required five-year FBI background reinvestigation.

Lisa Wetzl, a witness at yesterday's hearing, had been employed by the White House Office of Personnel Security and personally worked on the Update Project. Ms. Wetzl's testimony was largely overlooked by the press, but it will be especially helpful to Members who are seeking the truth about the office's inappropriate request of some FBI files.

Ms. Wetzl has been accused of no wrongdoing, and no questions have been raised about her character and integrity. Her testimony was competent, credible, unequivocal, and under oath. She is no longer employed at the White House and has no logical reason to perjure herself. Indeed, it makes no sense to me that Chairman Clinger, after receiving her deposition, did not ask her to testify and initially refused a request by the Minority that she be allowed to do so.

Ms. Wetzl was employed in the Office of Personnel Security from August 1993 until September 1995. This is significant

because she is the only person who worked on the Update Project whose employment coincided with the other individuals who worked on this project: Nancy Gemmell and Anthony Marceca.

Nancy Gemmell was the only career employee from the previous Administration who stayed on in the Office of Personnel Security with the change in Administrations. She guided Ms. Wetzl and Mr. Marceca on office procedures and began the work on the Update Project for the Clinton Administration prior to her retirement in August 1993. She had worked in the Office of Personnel Security since 1981. When she decided to retire, the Clinton Administration asked her to stay on until August 1993.

Anthony Marceca, an investigator with top security clearance for the United States Army Criminal Investigative Division, was detailed to the White House from August 1993 - February 1994. He arrived at about the time Ms. Gemmell retired and was the next person to work on the Update Project. According to Ms. Wetzl, Mr. Marceca was detailed primarily to work on the paperwork for FBI full field background investigations of new employees. She said that he began to work on the Update Project "at some point after he started."

Ms. Wetzl was responsible for completing the Update Project that Ms. Gemmell and Mr. Marceca had begun. She testified that since the Update Project had not been a priority in the office, she did not begin her work on it until the late fall of 1994, six months after Mr. Marceca returned to his job at the Army Criminal Investigative Division.

Ms. Wetzl is also the one who made the discovery that the Secret Service lists Ms. Gemmell and Mr. Marceca relied upon were out of date.

One of the two issues at the core of this investigation is the accuracy of the list of names of holdovers the Secret Service maintained and provided to the Office of Personnel Security.

In her sworn testimony yesterday, Ms. Wetzl stated that she knew Mr. Marceca was using a Secret Service list for the Update Project because of the "distinctive green and white computer paper" that contained the list of names he worked from.

She testified that Ms. Gemmell had also used a Secret Service list and that she had left it in the office vault when she retired. Ms. Wetzl said she knew "immediately" when she reviewed Ms. Gemmell's Secret Service list that it was out of date because it was "extremely long, and appeared to contain hundreds of names from past administrations."

Ms. Wetzl also cleared up the confusion many of us have had about the Secret Service lists: why did it seem that people were using different lists and how could the Secret Service list of names be inaccurate when the Secret Service claims that they are

regularly updated?

In her opening statement, Ms. Wetzl testified: "The list I used was provided to us by the Secret Service on a monthly basis, but we could ask for updated copies more frequently... It was well known around our office that the Secret Service lists included names of people who no longer had active passes... On many occasions, I would inform the women who worked in the Secret Service office who had provided us with the lists that their lists contained names that should no longer be there, or that persons were listed as working in the wrong office."

Ms. Wetzl also stated that she took it upon herself to contact supervisors of White House offices to request an accurate list of holdover employees because she could not rely on the accuracy of the Secret Service's list. On "many occasions" she notified the Secret Service with corrections. In fact, she testified that copies of memos she sent to the Secret Service notifying its staff of mistakes in the list are still at the White House Office of Personnel Security. These documents are under seal by order of Independent Counsel Kenneth Starr. It is my hope they will be released in the very near future.

The second issue at the core of this investigation is whether there was any intent to misuse FBI files for political purposes.

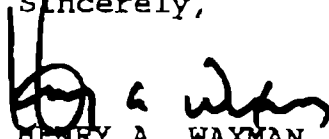
Ms. Wetzl also testified under oath that during her entire term in the Office of Personnel Security, she knew of no effort to use the FBI files as part of a smear campaign or to create an enemies list, and that no one ever asked or directed her to assemble information or to use any confidential information for any reason, political or otherwise.

Moreover, Ms. Wetzl told the Committee that to her knowledge no one in the office requested FBI files in the six months between Mr. Marceca's departure and the date she began to work on the project. Finally, she testified that a log system was in place for any removal of files from the office to the White House Counsel's office.

There will undoubtedly be additional questions that need to be answered in this matter. But if Ms. Wetzl's testimony is accurate, and there is no evidence that suggests otherwise, then it is clear that the Update Project was handled ineptly. What the sworn testimony also makes clear, however, is that the project was not motivated by political reasons, that the information in the FBI files was not used in any political way, and that access to the files was more limited than has been publicly suggested. In short, Ms. Wetzl's sworn testimony reveals that the office's employees made very serious mistakes, but no testimony in yesterday's hearing indicated that the staff was involved in intentionally unethical or illegal activity.

I hope this information is helpful to you as you continue to follow the developments of this important issue. Please contact Pat Delgado of my staff if you would like to have a copy of Ms. Wetzl's statement or if you need any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Henry A. Waxman", written over a circular stamp or mark.

HENRY A. WAXMAN

Member of Congress

THE WHITE HOUSE
WASHINGTON

June 26, 1996

MEMORANDUM TO WENDY WHITE

FROM: BRUCE R. LINDSEY 

SUBJECT: JUNE 6 HOUSE COMMITTEE ON GOVERNMENT REFORM
AND OVERSIGHT REQUEST FOR INFORMATION.

While there is nothing in these documents of which I would object from a privilege stand point, I do not understand what the relationship is between Billy Dale's FBI records, the Travel Office and, for example, all "phone records, message slips and phone logs reflecting contact with" Susan Thomases, Jim Lyons, Mike Berman, Betsey Wright or Ricki Seidman - none of whom as far as I know has been implicated in these matters to any extent. Are we simply going to acquiesce in all requests no matter how unreasonable?

cc: Jack Quinn
Jane Sherburne

WILLIAM F. CLINGER, JR., PENNSYLVANIA
CHAIRMAN

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 20516-9143

June 6, 1996

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 MARSHALL "MARK" SANFORD, SOUTH CAROLINA
 ROBERT L. SHROEN, JR., MARYLAND

Mr. Jack Quinn
 White House Counsel
 The White House
 Washington, D.C. 20500

Dear Mr. Quinn:

In light of the recent disclosures regarding the request for Billy Dale's FBI records, I am requesting the following information to be received by Monday, June 10, 1996 at 10a.m.:

1. All calendars and phone records, message slips or phone logs reflecting contacts with, between or among and/or calls to or from any of the following individuals between December 1, 1993 and January 10, 1994:

Bernard Nussbaum, Bill Kennedy, Craig Livingstone, Mack McLarty, David Watkins, Webb Hubbell, Ricki Seidman, John Podesta, Bruce Lindsey, Mark Gearan, Bob Barnett, David Kendall, Cliff Sloan, Neil Eggleston, Harry Thomason, Todd Stern, Harold Ickes, George Stephanopoulos, Mike Berman, James Lyons, Susan Thomases, Betsy Wright and Skip Rutherford.

2. All calendars and phone records, message slips or phone logs reflecting any contact with any employee of the FBI between December 1, 1993 and January 10, 1994.

I appreciate your prompt response to these requests.

Sincerely,

Bill Clinger
 William F. Clinger, Jr.
 Chairman

CC: Rep. Cardiss Collins

THE WHITE HOUSE
WASHINGTON

June 25, 1996

VIA FACSIMILE

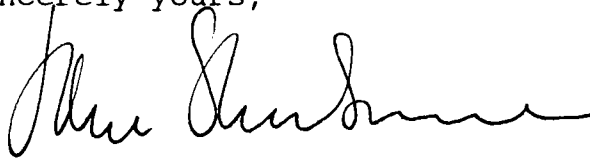
The Honorable William F. Clinger, Jr., Chairman
Committee on Government Reform and Oversight
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Dear Chairman Clinger:

We have received your request of last Friday afternoon for documents related to the FBI files matter. We are working as quickly as possible to gather material responsive to your requests. As we are able to collect it, we will provide it to you promptly.

A portion of the material requested in your letter calls for a review of records located in the Office of Personnel Security or in the room used by the Office of Records Management to store archived OPS documents. At the request of the Independent Counsel, these rooms have been secured. We will be unable to provide you with copies of responsive documents located in these rooms until we make appropriate arrangements with the Independent Counsel.

Sincerely yours,

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

Jane C. Sherburne
Special Counsel to the President

cc: Hon. Cardiss Collins

June 25, 1996

FRANKFURT
HANOI
HONG KONG
LONDON
MOSCOW
PARIS
PRAGUE
SYDNEY
TOKYO
TORONTO

VIA FACSIMILE

Hon. William F. Clinger, Jr.
Chairman
House Committee on Government Reform
and Oversight
2157 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Clinger:

As you know, this office represents Mr. Harry Thomason in civil lawsuits filed by Mr. Billy Dale and Mr. Charles Caudle in the United States District Court for the District of Columbia, regarding White House Travel Office matters.

In the course of routine civil discovery, we learned that Mr. Caudle had in his possession confidential FBI interview reports of Ms. Patsy Thomasson and Mr. David Watkins. As is often the case with FBI investigatory files, these interview memoranda contain much raw, unverified and sensitive information that normally would not be made available to private civil litigants such as Messrs. Caudle, Dale and the others who have sued my client. As a former federal prosecutor, I can think of no legitimate basis for Mr. Caudle to possess such sensitive and private FBI documents. This raises serious questions about how Mr. Caudle obtained them.

We, of course, do not know the answer to that question, and there may be an innocent explanation. But it also appears likely that Mr. Caudle may have been given these and other confidential materials improperly, perhaps by your staff, or by Mr. Dale. When Mr. Caudle produced them to us, they were included among documents that we know were produced to your Committee in strictest confidence, and they also bore markings suggesting that

Hon. William F. Clinger, Jr.
June 25, 1996
Page 2

they were from the Committee. An analysis of the complaints filed against Mr. Thomason also makes it all but certain that the plaintiffs have had the benefit of such sensitive information. We also know that you have been supportive of Mr. Dale's efforts to obtain discovery in his criminal case, and that Mr. Dale had a close relationship with Mr. Caudle, who was a favored beneficiary of Mr. Dale's non-competitive practices in the Travel Office.

All this raises an issue of whether the Committee or someone on its staff is also assisting Mr. Dale and/or Mr. Caudle, or their attorneys, in the pursuit of civil claims against Harry Thomason -- by disclosing sensitive, confidential FBI material. The public deserves an answer to this question, because if it is true, I would suggest that this is an improper use of the legislative oversight authority and a serious abuse of sensitive FBI data that is wholly inconsistent with legitimate law enforcement.

Accordingly, I respectfully request that in the course of your current investigation regarding the possession of FBI files by White House personnel, the Committee also thoroughly investigate the circumstances under which Mr. Caudle received these sensitive FBI interview reports. Specifically, we request that you investigate the following:

1. What FBI and other law enforcement information was provided to Mr. Caudle and Mr. Dale, and other litigants or those acting on their behalf?
2. Who provided the information and who received it?
3. What use was made of this sensitive law enforcement or Committee information?

You have repeatedly said that yours is a non-partisan investigation. If that is the case, there

Hon. William F. Clinger, Jr.
June 25, 1996
Page 3

should be no objection to your investigating these matters as part of your current investigation.

Sincerely,


Robert S. Bennett

cc: Hon. Cardiss Collins

SKADDEN, ARPS, SLATE, MEAGHER & FLOM
1440 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005

Telephone No.: (202) 371-7000
Facsimile No.: (202) 393-5760

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Please deliver the following pages to:

Name: Jane Sherburne
Firm: The White House Date: June 25, 1996
City: Washington, DC
Phone: 202-456-5116
Fax: 202-456-1213
From: Bob Bennett Flr/Rm.: 11/39
Reference Number: 549350 Ext.: 7180

Total number of pages including this cover: 4

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MESSAGE:

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June 25, 1996

VIA FACSIMILE

Hon. William F. Clinger, Jr.
Chairman
House Committee on Government Reform
and Oversight
2157 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Clinger:

I write in response to your letter to me, asserting that the Committee released confidential FBI investigatory memoranda to the general public -- not just to individuals suing my client. Even if true, I fail to see how the public release of sensitive FBI materials is justified in any case. I also should tell you that we have been advised to the contrary by Committee staff. I did check my facts both before I wrote you and after you wrote me, and I stand by my letter.

Perhaps your Committee should check its practices. When FBI agents interview witnesses in criminal investigations, they do not tell the witnesses that they are conducting a confidential criminal investigation "unless Congressman Clinger decides to demand the interview memoranda from the Department of Justice and may choose to release them publicly." Perhaps, the FBI should make the "Clinger exception" known to witnesses in all criminal cases in the future. I am sure, as a former federal prosecutor, that witnesses will be most reluctant to cooperate with the FBI if they are so advised.

If you did make these FBI documents public, you should not have done so, especially when as here there was an open and on-going investigation. Lawyers for the witnesses were unaware of your decision to release this sensitive FBI information, much of it unverified. Upon

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June 25, 1996
Page 2

being advised of your response to me, David Williams, the attorney for Patsy Thomasson, was surprised to learn that his client's confidential interview was made public, since his own request for his client's statement was refused. Indeed, I understand that many witnesses who have been deposed by the Committee have been refused the opportunity to review their own FBI "302's," although you apparently found it appropriate to release some of them publicly.

The inconsistent information your Committee has supplied, and the inconsistent position you are taking on the sanctity of FBI files, only underscores the need for someone to investigate this matter. If your explanation is true, the Committee's cavalier attitude toward sensitive FBI materials should be the subject of an oversight hearing in and of itself.

Finally, I will not dignify your introductory cheap shot remark, other than to say it is confirmation of your extreme partisanship in all matters which may impact on the President.

Sincerely,



Robert S. Bennett

cc: Hon. Cardiss Collins