

Case Number: 2006-1066-F.

FOIA MARKER

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Folder Title:

FBI - House [8]

Staff Office-Individual:

Counsel's Office-Sherburne, Jane

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Row:	Section:	Shelf:	Position:	Stack:
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File
FBI
/Hme

25 June 1996

To: Jane Sherburne
Special Counsel to the President

From: Anne M. Edwards *Anne*
Special Assistant to the President
and Director of Press Advance

Re: Your document request of June 24, 1996

In response to your memo to the staff of June 24, 1996, asking for response to the Committee's request for memos from a number of parties, I offer this:

I remember sending one short note to Craig Livingstone, very early on in this Administration, asking - I think - that one of our interns be given the blue pass instead of some other pass they were about to give the intern.

The blue passes are given selectively to interns, as you know, on a need basis. The interns in this office, Press Advance, have always needed them: We do a lot of business in the West Wing, where the Press Office, Scheduling and the press room are located.

It was such a simple thing, so long ago, and the note itself so short, I know I don't have a hard copy of that note, which is why I am sending you this note to account for it. I remember being told, though I don't recall by whom, that I needed to make the request in writing in a short note, so I did. The request was very brief -- maybe a couple of sentences -- and very plain and to the point.

Other than that memory, I don't have anything else to contribute to your documents request. Thanks, and please let me know if there is anything else I need to do.

cc: Michael McCurry
Lorraine McHugh

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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 20515-8143

June 21, 1996

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MAJORITY--(203) 225-6074
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John M. Quinn, Esquire
White House Counsel
The White House
Washington, D.C. 20500

Dear Mr. Quinn:

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

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

In addition, I request the following information:

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

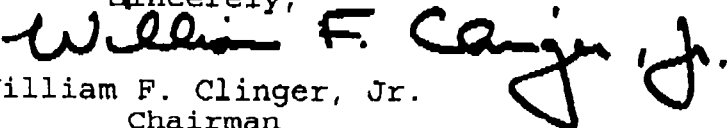
to being put on salary, please indicate the date on which the individual started as an intern as well as the date of employment.

4. The names of all individuals who have worked in the Office of Personnel Security as interns, employees, or detailees since January 20, 1993 to the present and when each individual received his or her security clearance.
5. The names of all interns who worked in the Office of Personnel Security from January 20, 1993 to the present.
6. All memos to and/or from Craig Livingstone, Anthony Marceca, William Kennedy, Bernard Nussbaum, Vincent Foster, Joel Klein, Lloyd Cutler, Abner Mikva, John M. Quinn, Jane Sherburne, Beth Nolan, Cliff Mauton, Christopher Cerf, Tray Schraeder, Ed Hughes, Jonathan Denbow, Mari Anderson or Ms. Lisa Wetzel regarding anything having to do with the updating of White House passes, security clearances, FBI background files or any operations of the Office of Personnel Security. Note: This would include all memos such as the "Personal Data Statement & Questionnaire" which was apparently sent to all holdover White House staff. (Please exclude confidential privacy act information and responses to the Personal Data Statement & Questionnaire.)
7. Records of Craig Livingstone's entrances and exits to the White House complex from May 1, 1996 to June 20, 1996.
8. Any Usher's Records or Secret Service records of every occasion on which Craig Livingstone has been in the White House residence from January 1, 1996 to the present.
9. All records of visitor logs of visitors to the White House who were waved in to see Mr. Marceca for the entire time he was at the White House from August 1993 through March 1994 and any visits he has made to the White House from January 1, 1996 to the present.
10. All records of visitor logs of visitors to the White House who were waved in to see Craig Livingstone from January 20, 1993 to present.
11. All records of phone logs or messages for Craig Livingstone from April 1, 1993 - March 1, 1994 and from May 1, 1996 - June 18, 1996.
12. The salary history of William Kennedy from January 20, 1993 to the time he left the White House.

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

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

Sincerely,


William F. Clinger, Jr.
Chairman

DAN BURTON
6TH DISTRICT, INDIANA

COMMITTEES:
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SUBCOMMITTEE
WESTERN HEMISPHERE
CHAIRMAN

GOVERNMENT REFORM AND OVERSIGHT

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

June 21, 1996

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

Dear Mr. President:

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

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

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

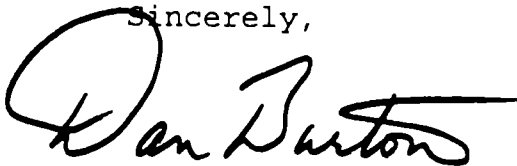
It is my understanding that other Federal agencies are, by law, expressly forbidden access to individual tax records without the written consent of the taxpayer, with an exception for criminal investigations by the Justice Department. Please advise if the White House is also exempt from this law.

Handwritten: 12 Jans
Handwritten: Counsel

Handwritten: WJL

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

Sincerely,

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

Dan Burton
Member of Congress

DB:jts

THE WHITE HOUSE

WASHINGTON

June 24, 1996

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

FROM: Jane Sherburne *JS*
Special Counsel to the President

Wendy S. White
Associate Counsel to the President

RE: Document Requests from House Committee on Government
Reform and Oversight dated June 21, 1996.

We have received the following request for documents from the House Committee on Government Reform and Oversight:

"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 anything having to do with the updating of White House passes, security clearances, FBI background files or any operations of the Office of Personnel Security."

Please search your files for responsive materials. After conducting your search, provide the documents to Wendy White in Room 136 of the Old Executive Office Building as soon as possible. The Committee has asked for a response by the close of business today. While we will advise the Committee that we are unable to meet this deadline, we want to respond as quickly as we can.

Should you have any questions regarding this request, please call Wendy White at 6-7361.

SHERBURNE, JANE C.
WHITE HOUSE OFFICE

GENERAL COUNSEL

WH

GFL/WW

THE WHITE HOUSE

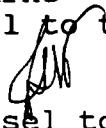
WASHINGTON

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.

-2-

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).

SHERBURNE, JANE C.
WHITE HOUSE OFFICE

GENERAL COUNSEL

WH

GFL/WW

THE WHITE HOUSE
WASHINGTON

June 20, 1996

BY HAND

The Honorable William Clinger
Chairman
Committee on Government Reform
and Oversight
2157 Rayburn House Office Building
Washington, DC 20515-6143

Dear Chairman Clinger:

I believe it will be helpful if I identify for you the measures taken by the White House in the wake of the mistaken and inappropriate request for FBI background investigation information in late 1993 and early 1994.

As indicated above, the White House has requested and received background investigation reports from the FBI for many years. The information is sought and used to assist the White House in making determinations about the suitability of individuals for access to the White House for employment or other official purposes.

Plainly, the requests for background investigation information that are the subject of your hearing were wrong. Based on representations made to us to date, it appears that the requests were the product of innocent errors. Obviously, if we learn otherwise with respect to White House staff, we will act swiftly and decisively.

After learning of this situation last week, President Clinton informed me in the clearest terms that he wanted (1) the American people to know the truth about what happened in this matter, (2) disciplinary action to be taken, as appropriate, and (3) policies and procedures to be initiated that would guarantee to the American people that this mistake could not happen again.

I will address each of these points in turn.

First, we have made clear that the White House not only welcomes but also encourages a complete and vigorous investigation into the matter by the appropriate law enforcement office. As you know, the Attorney General has directed the FBI

to conduct a prompt and thorough investigation. I have said publicly and I say here again that the White House welcomes that investigation, and we will work cooperatively with the FBI to facilitate the prompt completion of its investigation.

Second, the President's directive that any appropriate disciplinary action be taken will be implemented based upon the facts developed in the upcoming review by the FBI. Earlier this week, Craig Livingstone, who headed the personnel security office, asked to be placed on paid administrative leave, and we agreed that that was appropriate. Mr. Livingstone will not return to the White House unless and until this matter is clarified to the satisfaction of the Chief of Staff. If he does return to a position in the Administration, it will be to one that is appropriate and not to the White House Office of Personnel Security, which, as described below, has been absorbed into the Executive Office of the President (EOP) Security Office.

Third, at the direction of the President, I have instituted new policies and procedures to prevent any recurrence of the events in question. We are confident that these reforms will help restore public confidence in the integrity of the personnel security system. These new procedures, which are as rigorous as they are unprecedented, include requirements that:

- control of the White House background investigation process be placed in the hands of a personnel specialist who is a career, non-political employee;
- current, express, written consent of an individual be obtained before the White House seeks his or her background investigation information from the FBI;
- the Counsel to the President or a specifically designated Counsel's Office attorney approve each White House request to the FBI for background information;
- the security or vetting officer who initiates the request certify that the request is made for official purposes only; and
- access to background investigation information is authorized only to those White House employees designated in writing by the Chief of Staff and the Counsel to the President.

No prior Administration had in place policies and procedures designed so effectively to prevent the type of mistake that occurred in this matter. The Report of the FBI General Counsel,

dated June 14, 1996, found that the procedure by which the FBI provided background investigation information to the White House "has changed remarkably little over the intervening three decades" since the Johnson Administration. I am confident that our reforms will more effectively safeguard the privacy of the individuals whose background files are sought and obtained by the White House.

Below, I elaborate on some of the key changes in our policies and procedures:

On June 14, 1996, I initiated a series of reforms focusing on the process by which the White House requests background investigation information from the FBI. We will now require that White House requests to the FBI for background information be made only with the express written consent of the individual who is the subject of the investigation. The individual's consent must be signed within thirty days of, and must accompany, the White House request to the FBI. No information may be obtained without the individual's consent except in extraordinary circumstances set forth in a letter of justification to the FBI from the Counsel to the President concurred in by the Attorney General or the Deputy Attorney General.

Each request to the FBI must also be approved and signed by the Counsel to the President or a specifically designated Counsel's Office attorney whose regular duties require the review of such information. In addition, each request must be signed by the security or vetting officer who initiates the request, and that person must certify that the request is made for official purposes only. These new reforms also require identification of the specific reason why the information is being requested.

Yesterday, I also recommended a restructuring of the personnel security functions at the White House to further accomplish the President's objective of ensuring that the mistake will not happen again. I suggested -- and Chief of Staff Leon Panetta and the President agreed -- that the administrative personnel security functions currently performed by the White House Office of Personnel Security be incorporated into the EOP Security Office. This change will be implemented immediately.

The EOP Security Office currently conducts personnel security functions for all EOP offices except for the White House Office, the Office of the Vice President, the Office of Policy Development, the National Security Council, and the Executive Residence. The restructuring announced today will bring the administrative personnel security functions for those offices within the purview of the EOP Security Office so that the EOP

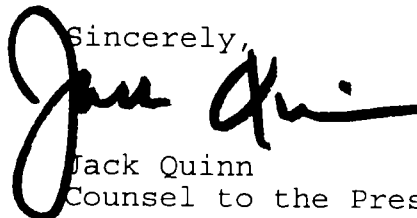
Security Office will have unified authority over all EOP personnel security functions.

The EOP Security Office is currently supervised by Charles "Chuck" Easley, a career employee who has served for ten years as the EOP Security Officer since joining the office in the Reagan Administration. Before coming to his current job, Mr. Easley had a twenty-year career in the U. S. Army, including eight years as the Technical Security Advisor to the Security Officer of the Joint Chiefs of Staff. Mr. Easley heads a career staff at the EOP Security Office and reports to the Associate Director for Human Resources Management of the Office of Administration, a career personnel specialist.

The EOP Security Office will perform its work on White House personnel in accordance with the procedures announced last Friday and described above. In addition, access to the background investigation information will be limited to those EOP and White House employees so authorized in writing by the Chief of Staff and the Counsel to the President whose assigned duties require the review or processing of such information.

I believe that the reforms we have now instituted will restore the public's confidence in the integrity of the process by which the White House decides who appropriately may have access to the White House complex.

Sincerely,

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

Jack Quinn
Counsel to the President

identical letter sent to Congresswoman Collins

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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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June 17, 1996

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

MEMORANDUM

TO: Jane Sherbourn, Special Counsel to the President

FROM: Don Goldberg, Minority Professional Staff

RE: Records in preparation for hearing on FBI files

In order to prepare for the Committee's Wednesday, June 19, 1996, hearing regarding the FBI's providing of personnel security files to the White House, please provide the following records as expeditiously as possible:

Any correspondence between the Office of Personnel Security and the Secret Service reflecting inquiries regarding the status of passholders or the deletion of passholders.

Thank you for your assistance.

THE WHITE HOUSE
WASHINGTON

June 15, 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:

This is in further response to your two letters of June 12, 1996.

In response to your letter concerning Anthony Marceca's detail to the White House, I am enclosing documents with Bates stamp numbers CGE 43810-43824. A production log is enclosed.

With respect to your letter requesting copies of the "Executive Office of the President Roster of Employees," we are continuing to work on the request and will provide the documents to you as soon as possible.

Sincerely yours,



Jane C. Sherburne
Special Counsel to the President

cc: Hon. Cardiss Collins

June 14, 1996

Jack:

I am writing in response to Jane's note to you about why Billy Dale's security file was singled out for production. The answer is two-fold.

First, I arrived at the White House on February 14, 1996 -- less than 2 weeks before the date set for production of documents responsive to the January subpoena. Natalie was leaving and I learned what I could from her before I left. She told me that if we ever produced Billy Dale's personnel file to call Craig Livingstone for the personnel file he had for Billy Dale. I also understood from the preparation work for the meeting on Feb. 15 with Chairman Clinger that the personnel file was offered for in camera review for "privacy" reasons. Accordingly, in the White House Feb. 26 response to the subpoena -- I specifically wrote, in response to No. 29, that we were not producing Billy Dale's file to accommodate these privacy concerns. No one suggested to me then (or now) that there were any other such responsive files. If there were, they should have been identified to me in February so I could have referred to them in my response to Clinger.

Second, Billy Dale's file was produced pursuant to No. 29 which called for all records relating to Billy Dale. The only other such broad request in the subpoena concerns Harry Thomason. So the only other possible file that would have been caught was his. I have no idea whether or not there is such a file. I understood, however, that we were reading this request as limited to Harry Thomason's activities in the White House -- so it is possible that a decision was made that his background file was not responsive.

Finally, I should add that , although I believe we were required to produce the Billy Dale file pursuant to the subpoena, it was not my decision to do so. The reason articulated to me for not producing it earlier was the Privacy Act concern - although the Act does not cover the White House and, of course, has a specific exemption for disclosure of files to the Senate or House. Whenever we discussed production of the personnel file -- a "Category 3 record" -- the consensus was that we would give it to the Committee together with the rest of this material.

Wendy

cc: Jane

WILLIAM F. CLINGER, JR., PENNSYLVANIA
CHAIRMAN

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Congress of the United States

House of Representatives

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

June 12, 1996

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

Dear Ms. Sherburne:

I request the following information regarding Anthony Marceca and the project he and Mr. Livingstone were working on regarding FBI background files:

1. Provide all documents and paperwork relating to requests and approval for Mr. Marceca to be detailed to the White House in the 1993-1994 time period. (Please exclude any FBI background files on Mr. Marceca.)
2. Provide all documents, records and memos regarding the project to update the White House background files of holdover employees and new White House employees including any documents explaining the project as well as explaining the progress of the project and any problems with the project.
3. Provide all documents regarding the transfer to White House archives of the 300 or more allegedly mistakenly obtained FBI records and the retrieval of such records at any time to the present. (Again, please exclude any of the actual FBI background files themselves.)

As you know we are having depositions of individuals involved in these matters and request any material you have already gathered immediately today (by noon, June 12, 1996) and the outstanding documents by 5p.m. Thursday, June 13, 1996.

Sincerely,


William F. Clinger, Jr.
Chairman

cc: The Honorable Cardiss Collins

WILLIAM F. 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

WASHINGTON, DC 20515-6143

June 12, 1996

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MAJORITY—(202) 225-5074
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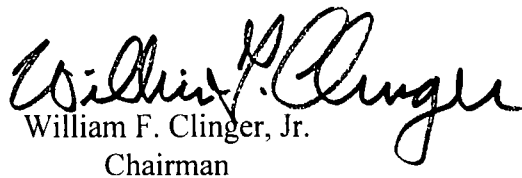
Jane Sherburne, Esquire
Special Counsel
The White House
Washington, D.C. 20500

Dear Ms. Sherburne:

As part of this Committee's inquiry into the White House review of the confidential FBI files of former Reagan and Bush administration appointees, I request that you provide to this Committee copies of the "Executive Office of the President Rosters of Employees" covering each two-week pay period in calendar year 1993 and each two-week pay period in the first two months of calendar year 1994.

Please produce these records to the Committee at 2157 Rayburn House Office Building by 5:00 p.m., Thursday, June 13, 1996. If you have any questions concerning this request, please call Barbara Olson or Joe Loughran at 225-5074.

Sincerely,


William F. Clinger, Jr.
Chairman

cc: The Honorable Cardiss Collins
Ranking Minority Member

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MAJORITY—(202) 225-5074
MINORITY—(202) 225-5551

June 12, 1996

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

Dear Ms. Sherburne:

I request the following information regarding Anthony Marceca and the project he and Mr. Livingstone were working on regarding FBI background files:

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cc: The Honorable Cardiss Collins

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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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June 10, 1996

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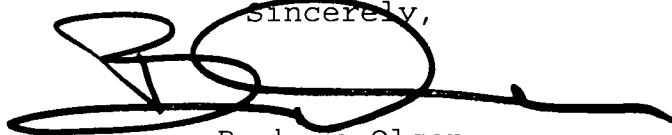
Jane Sherburne, Esquire
Special Counsel
The White House
Washington, D.C. 20500

Dear Ms. Sherburne:

In your June 10, 1996 response to my June 8, 1996 letter you did not provide the other names of individuals knowledgeable about the retrieval and storage of the over 300 files of Bush and Reagan officials from the FBI. I understand there was an individual who allegedly took over the job from Mr. Marceca and an individual who also worked initially with Mr. Marceca. In addition, I request that you provide the names of any other individuals in the Counsel's office or the Chief of Staff's office who knew about this project.

I would appreciate your immediate response on these names by telefax today. Thank you for your attention to this matter.

Sincerely,



Barbara Olson
Chief Investigative Counsel

WILLIAM F. CLINGER, JR., PENNSYLVANIA
CHAIRMAN

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June 12, 1996

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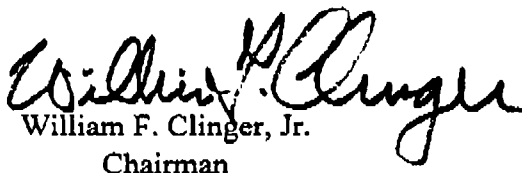
Jane Sherburne, Esquire
Special Counsel
The White House
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Sincerely,


William F. Clinger, Jr.
Chairman

cc: The Honorable Cardiss Collins
Ranking Minority Member

THE WHITE HOUSE
WASHINGTON

June 10, 1996

BY TELECOPY

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

Dear Mr. Chairman:

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

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

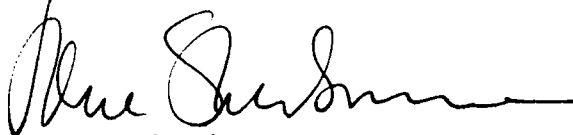
Enclosed is the archive record of the personnel security files that we understand were assembled by the Personnel Security Office as the result of a mistaken understanding that these individuals continued to have access to the White House compound after the start of the Clinton Administration. We provided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

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

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

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

Sincerely yours,

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

Jane C. Sherburne
Special Counsel to the President

cc: Hon. Cardiss Collins

DECLARATION OF ANTHONY MARCECA

I, Anthony Marceca, hereby declare:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EXECUTED ON JUNE 9, 1996.


ANTHONY MARJECA

I. WHITE HOUSE PERSONNEL SECURITY FILES STAFF PRIOR TO
01/20/93.

ABDOO, HELEN THERESA
ADAIR, DOUGLAS CONRAD
AGIN, JOSEPH WHITEHOUSE
AHEARN, FREDERICK LEONARD
ALVAREZ, RICHARD GUS
ANDERSON, ANN ELIZABETH
ANDERSON, CURTIS WILEY
ANDERSON, MARCY JEANNE
ARCHAMBAULT, MICHELE LORRAINE
AREY, LINSIA LUGENIA
ARRONSON, PATRICIA SUE
ARSHT, LESLYE ALENE
ASARE, MARION LOUISE
AUEL, LISA BENKERT
AUTHER, SUSAN MARIE
AVRASHOV, LEONID
BACARISSE, CHARLES EDWARD
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BAILEY, MARY SMALLPAGE
BAKER, JAMES ADDISON
BALESTRIERI, JEAN ANN
BALFOUR, DEBORAH
BARLETTA, KATHRYN ANNE
BARREAUX, THEODORE CHARLES
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BATES, CHARLES EDWARD
BATES, LORRI JEANINE
BATT, ROCHELLE HEIDI
BATEMAN, PAUL WILLIAM
BATTAGLIA, LISA MARIA
BAUGHMAN, JULIA HARMON
BAUMEYER, MATTHEW SCOTT
BAUMSTEIN, AMY MEREDITH
BAYNARD, BRIAN CALLAWAY
BEATTY, JAYSON FRANK
BECKER, JEAN LORETTA
BECKER, JEROME DAVID
BEERS, PATRICK ADAM
BELBY, KATERI RAY
BELL, LILLIE MAE
BELL, LOUISE HELEN
BESERRA, RUDY MAX
BEVACQUA, ANITA CAROL
BIZIC, DANICA
BLACK, DAVID LEE
BLANKLEY, ANTHONY DAVID

BLESSEY, STEPHANIE ELIZABETH
BLODGETT, SUZETTE A.
BOARD, ELIZABETH IDEN
BOLTEN, JOSHUA BREWSTER
BONINO, CAROLINA ORGEIRA
BORCHARD, SUSAN AILEEN
BOWEN, JAMES
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BREEDEN, RICHARD CARROLL
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BRISCUSO, RAYMOND JOSEPH, JR.
BROCK, ANN CATHEY
BROTT, MICHELLE MARIE
BROWN, RONALD JAMES
BRYANT, CHESTER CORBETT JR.
BROWNE, SARA ANN
BRADLEY, ELLEN LORRAINE
BRADY, JAMES SCOTT
BRADY, KATHERINE CHRYSTIE
BREAUX, HARLEEN MARIE
BREEN, STACEY LYNN
BREINING, CARL RAY
BRENA, BETTINE CHRISTINE
BROOKS, CRYSTAL LYNN
BRYAN, PATRICIA MACK
BUCHHOLZ, TODD GLENN
BULL, CATHERINE ELEANOR
BULLOCK, KATJA
BUNYON, JEAN MARIE
BUREIKA, RITA DAIVA
BURGESS, MARY JANE
BURMEISTER, JANICE LEE
BURNHAM, NEALTON JAY
BURNS, FRANCINE MARIA
BUSCH, MICHAEL JOSEPH
BUSTARD, BRUCE IRVING
BUSHUE, SANDRA KAY
BUTLER, JUDITH ANN
BUTTERFIELD, DIANNE BURCH
BUTTERFIELD, WILLIAM JOSEPH
BYBEE, JAY SCOTT
BYRNE, PHYLLIS MCCOMMONS
CACCIA, MARGARET M.
CALDWELL, WILLIAM BURNS
CALHOON, LANE FELICE
CALIO, NICHOLAS E.
CAMARANO, LORRAINE R.
CAMMACK, MARTHA REED
CAMPBELL, JOYCE DIANE
CAMPBELL, SARAH LOUISE
CAMPBELL, VICTORIA ZIMA
CAMPOLIETO, SHIRLEY ANN
CANARY, WILLIAM JAMES JR.
CARLSON, NICHOL LEIGH

CARMACK, TERRY ALAN
CARNEY, DAVID MITCHELL
CARNEY, HOWARD ALBION
CARNEY, LUCY COLE
CAROLINA, JEFFERY KEITH
CARPENDALE, ANDREW MICHAEL
CARR, BOBBY GENE
CARR, SALLIE WENNER
CARRIERE, JOHN GERAND III.
CARROLL, FLORA JENICE
CARROLL, JEREMY ETHRIDGE
CARROLL, MARY KATE
CARROLL, RITA RAVEL
CARTER, ALLYSON WEBB
CASEY, ERLINDA ELIZABETH
CASSE, DANIEL ANTHONY
CASTLE, SHARA ANN
CAUDILL, GEORGE GRAY JR.
CAWLEY, CAROLYN MARIE
CELEMTANO, GREGORY PHILLIP
CHACON, DOLORES LUMINA
CHANG, ALFRED WEI-KAUNG
CHAPMAN, JOHN CRANBROOK
CHAPMAN, ROBERT THOMAS
CHARLES, ROBERT BRUCE
CHEN, KEREDITH FERGUSON
CHILDS, MARY ELIZABETH
CHIRDON, DOUGLAS WAYNE
CHODOROV, JILL MELISSA
~~CHONKA, GLORIA JEAN~~
CHRISTOFF, THERESA MARIE
CHUMACHENKO, KATHERINE CLARE
CIARLANTE, MAJORIE HEINS
CLARK, SHARON ELIZABETH
CLADWELL, GEORGE MARVIN
CLARKE, PAUL
CLAYTON, ELIZABETH HOPE
CLEALE, CATHERINE
CLINE, JOHN ANTHONY
COCKING, JANE RUSK
COFFINA, SCOTT ANDREW
COHEN, BENEDICT SIMMS
COHN, KAREN JOYCE
COLDWELL, LISA TOWER
COLEMAN, HERBERT HOLT
COLLEY, CHRISTOPHER DAVID
COLLINS JR., PAUL JOSEPH
COLLINS, TRACEY REGENE
COMPTON, ELIZABETH MARGARET
CONNELL, KAREN ANN
CONRAD, PATRICIA LYNN
COOK, DAVID LAWRENCE
COOK, MICHELLE DIANE
COOKE, JULIE

COOPER, B. JAY
COOPER, JANET FELTON
COOPER, MARSHALL
COSTER, MICHELLE LYNN
COTTRELL, JULIA MARIE
COUGHLIN, CATHERINE CROWLEY
COVINGTON, PAMELA JEAN
COX, EMMA JEAN
COX, PATRICIA HELEN
COYLE, SUAN ALPERT
CRAIG, GRAVEN WINSLOW
CRAIG, JUDY A.D.
CRITCHFIELD, CAROLINE MADDEN
CROFT, FRANCEZ GABREY
CRONHEIM, CAROL CATHERINE
CROUSE, JANICE SHAW
CROW, MATTHEW
CROW, SHELLY LYNN
CRIPPEN, DANNY LEE
CROTON, TRACI MICHELLE
CRYOR, ALLISON WHEATLAND
CSORBA, LASZLO THOMAS
CUDD, CONNIE KAY
CULBREATH, LUE ADDIE
CULLEN, LESLEE BLAIR
CULVAHOUSE, ARTHUR BOGGESS
CUMMINS, CLAUDIA LYNN
CUNNINGHAM, ERIN MICHELLE
CURSEEN, JOSEPH PHILMORE
CURTIN, THEODORE CHARLES
CURTIS, JANET FLORA
CURTIS, RICHARD EDWARD
CUSHMAN, JEFFERY ANDREW
CUATER, ELLEN MARY
CUTSHALL, JENNIFER LEE
CUTSHALL, RACHEL RAE
DAILEY, BRIAN DANIEL
DALE, BILLIE RAY
DALE, SHARON RUTH
DALEY, JOHN JOSEPH
DALY, ALISON MICHELLE
DALY, DOLORES MARGOT
DALY, JOHN AUGUSTINE
DAM, DAVID T.
DAMGARD, JULIE MEAD
DAMICO, KRISTIN ANN
DANA, TIMOTHY EDWARD
DANCE, STEPHANIE CLUNE
DANDREA, JUSTINE
DANIELS, HILLIARD JR.
DANNERBECK, JOHN DAVID
DANZANSKY, STEPHEN IRA
DAVIDSON, DOUGLAS ALEXANDER

I. WHITE HOUSE PERSONNEL SECURITY FILES STAFF PRIOR TO
01/20/93 CONTINUED.

DAVIS, MARK WILLIAM
DAVIS, PATRICK JOSEPH
DAVIS, PORTER MANVEL
DAVIS, WILLIAM HAL
DAWSON, RHETT BREWER
DAWSON, SUSAN BRADSHAW
DEAN, DONALD RAY
DECAIN, JOAN CHENERY
DECAMP, SARAH GWATHMEY
DEE, KRIS MARIE
DEHART, LINDA SUSAN
DEL GROSSO, STACEY KAY
DELLINGER, DOROTHY RHEA
DEMAREST, DAVID FRANKLIN
DENNISTON, SUSAN RUSSELL
DEWHIRST, MARY KATHRYN
DIETZ, FRANCIS JOSEPH
DILLER, DANIEL CLIFFORD
DILLON, DIANA ELIZABETH
DOFFERMYRE, FAITH ELAINE
DOGGETT, JUANITA MAE
DOHERTY, EILEEN B
DOLAN, ANTHONY ROSSI
DONAHUE, MARLA MURPHY
DONATELLI, FRANK JOSEPH
DONOVAN, CHARLES ANTHONY
DONOVAN, TERESA ANN
DOOLEY, PEGGY ANN
DORSEY, CELESTINE SMITH
DORSEY, MATTHEW JOHN
DOUGLAS, KERI ANN
DRACOS, DIANE ELIZABETH
DREYLINGER, JOHN PAUL
DROEHE, PHILIP CHARLES
DUBE, CHRISTOPHER MORIN
DUBERSTEIN, KENNETH MARC
DUGAN-PIGOTT, PATRICIA JOAN
DUGGAN, JOSEPH PATRICK
DUGGAN, JUANITA DONAGHEY
DUNN, DEBRA ROMA
DUNN, ELIZABETH BROOKS
DUTCHER, CHARLES KERWIN
DUVALL, DOUGLAS PATTON
DUVALL, JACQUELINE ANDREA
DUNCAN, ROBERT MICHAEL
ELLIS, CATHLEEN MARIE

ELLIS, NANCY GAYLON
ELMETS, PAMELA KOEHLER
ENGLER, DANIEL JOSEPH
ENTHOVEN, MARCIA JEAN
ERBEN, AMY HEYDENREICH
ERKENBECK, JANE ISSAACSON
ERLAND, CHRISTINA LUCILLE
ERVIN, CLARK KENT
ESQUIVEL, AUDREY
~~EVANS, MADELENE E.~~
EVANS, THOMAS C.
FACKELMAN-MIN, MARY ANNE
FARISH, WILLIAM STAMPS
FARMER, CHAD DALEN
FARMER, HENRY EDWARD
FARISH, LAURA RICE
FAULK, JULIE ELIZABETH
FAULKNER, LINDA
FAUNCE, JILL SUZANNE
FEARING, JENNIFER LYNN
FENDLER, GARY ELLIS
FEE, JOHN
FEHRER, SARAH SHILL
FELZENBERG, ALVIN STEPHEN
FENNEL, ANNE CLAUD
FENTON, CATHERINE SCHARFEN
FERGUSON, ANDREW
FERRARA, VINCENT JASON
FERTIG-DYKES, SUSAN BEATRICE
FETROW, VALRY KEI
FIGG, JEANIE LUCILLE
FINCKEN, HEIDI ANN
FINDLAY, DONALD CAMERON
FINGER, AILEEN BETH
FIRESTONE, LAURIE ANN
FISH, JOHN HOWARD
FITCH, GREGORY HARLAND
FITZHENRY, JAMES ALAN
FITZPATRICK, SHARON ANN
FITZWATER, MARLIN
FLAGER, NICHOLAS RUSTER
FLANNES, MARTIN ALVIN
FLAUTT, FRANCES STEELE
FLEMING, SHELIE ESTELLE
FLETCHER, JEANNE DIANE
FLTECHER, LEE
FLETCHER, LYNNE MARGARET
FLICK, HEATHER GWEN
FLIPPEN, JOHN ALLISON
FOGEL, DAVID LOUIS
FOLEY, JOHN PATRICK
FOLEY, MATTHEW TODD
FONG, CLAYTON SEM
FONG, JESSIE TSUI-SHIH

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

UPDATE PROJECT AS OF 1/94-MARCECA

104TH CONGRESS
2D SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Collins of IL
Mrs. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend the law popularly known as the Presidential Records Act of 1978 and the law popularly known as Privacy Act, to ensure that Federal Bureau of Investigation records containing sensitive background security information that are provided to the White House are properly protected for privacy and security.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "Background Security
5 Records Act of 1996".

1 SEC. 2. FINDINGS AND PURPOSES.

2 (a) FINDINGS.—The Congress finds the following:

3 (1) The procedures used by the White House
4 and the Federal Bureau of Investigation to protect
5 the privacy and security of records containing sen-
6 sitive background security information have been in-
7 adequate to provide that protection.

8 (2) Under chapter 22 of title 44, United States
9 Code, popularly known as the "Presidential Records
10 Act of 1978", upon the conclusion of a President's
11 term of office the Archivist of the United States as-
12 sumes responsibility for all Presidential records, in-
13 cluding records that were provided by the Federal
14 Bureau of Investigation and that contain sensitive
15 background security information on individuals hav-
16 ing access to the White House.

17 (3) The Archivist is required to deposit all such
18 Presidential records in a Presidential archival depos-
19 itory or other archival facility. Thereafter, the
20 records are not readily available to an incoming
21 President for use to review the security of individ-
22 uals who have a continuing need for access to the
23 White House, including permanent employees of the
24 White House.

25 (4) After deposit in a Presidential archival de-
26 pository or other archival facility, such records and

1 the sensitive background information they contain
2 are eventually available to researchers, cannot be re-
3 stricted from the public for more than 12 years, and
4 therefore are not afforded the level of privacy and
5 security which are appropriate for these sensitive
6 records.

7 (5) To request such files from the Federal Bu-
8 reau of Investigation or to otherwise review the secu-
9 rity of individuals who have a continuing need for
10 access to the White House, the White House needs
11 accurate lists of all individuals employed by, detailed
12 to, or otherwise having a continuing need for access
13 to the White House.

14 (b) PURPOSE.—The purpose of this Act is to ensure
15 that Federal Bureau of Investigation records containing
16 sensitive background security information that are dis-
17 closed to the White House are properly protected for pri-
18 vacy and security.

19 SEC. 3. SPECIAL PROTECTIONS FOR FEDERAL BUREAU OF
20 INVESTIGATION BACKGROUND SECURITY
21 RECORDS PROVIDED TO THE WHITE HOUSE.

22 (a) SPECIAL TREATMENT UNDER PRESIDENTIAL
23 RECORDS ACT OF 1978.—Chapter 22 of title 44, United
24 States Code, popularly known as the "Presidential

1 Records Act of 1978", is amended in section 2202 by add-
2 ing at the end the following new subsection:

3 “(g)(1) Any record provided by the Federal Bureau
4 of Investigation to the White House for the purpose of
5 providing background security information on any per-
6 son---

7 “(A) shall not be a Presidential record for pur-
8 poses of subsection (f); and

9 “(B) upon the conclusion of a President's term
10 of office, or if a President serves consecutive terms
11 upon the conclusion of the last term---

12 “(i) except as provided in clause (ii), shall
13 be returned to the Federal Bureau of Investiga-
14 tion; and

15 “(ii) in the case of a record that was pro-
16 vided by the Federal Bureau of Investigation
17 for the purpose of providing background secu-
18 rity information on an individual who the Presi-
19 dent determines continues to have a need for
20 access to the White House, shall be maintained
21 at the White House in accordance with regula-
22 tions prescribed by the Director of the Federal
23 Bureau of Investigation.

24 “(2) The Secretary of the Treasury shall maintain
25 and periodically provide to the President and the Director

1 of the Federal Bureau of Investigation, accurate lists of
2 individuals who are employed in or detailed to the White
3 House.

4 “(3) For purposes of this subsection, the term ‘White
5 House’ means any of the following:

6 “(A) The White House Office.

7 “(B) The Office of Administration in the Exec-
8 utive Office of the President.

9 “(C) The Office of Policy Development.

10 “(D) The Office of National Drug Control Pol-
11 icy.

12 “(E) Any other office located on the White
13 House grounds.”.

14 (b) SPECIAL REQUIREMENTS UNDER PRIVACY
15 ACT.—Section 552a of title 5, United States Code, popu-
16 larly known as the “Privacy Act”, is amended by adding
17 at the end the following new subsection:

18 “(w)(1) Any record provided by the Federal Bureau
19 of Investigation to the White House for the purpose of
20 providing background security information on a person
21 shall be maintained at the White House as a Federal Bu-
22 reau of Investigation record, in accordance with all laws
23 applicable to such a record and regulations prescribed by
24 the Director of the Federal Bureau of Investigation.

1 “(2) No record containing sensitive background infor-
2 mation on a person shall be disclosed by the Federal Bu-
3 reau of Investigation to the White House unless—

4 “(A) the request for such record is in writing
5 and contains—

6 “(i) the consent of that person given with-
7 in 30 days of the date of the request;

8 “(ii) a statement of the reason the record
9 is being requested; and

10 “(iii) a certification by the person who
11 signs the request that the information will be
12 used only for official purposes; and

13 “(B) the request for such records is approved
14 and signed by—

15 “(i) the Counsel to the President; or

16 “(ii) an individual employed in the Coun-
17 sel's office who has been specifically designated
18 for that purpose and whose identity and quali-
19 fications for that purpose have been published
20 in the Federal Register.

21 “(3) The requirements of this subsection may be
22 waived only in extraordinary circumstances, and upon a
23 written request provided to the Director of the Federal
24 Bureau of Investigation and signed by the President or
25 the Counsel to the President and the Attorney General.

1 “(4) The Director of the Federal Bureau of Inves-
2 tigation shall issue regulations to implement the require-
3 ments of this section.

4 “(5) For purposes of this subsection, the term ‘White
5 House’ means any of the following:

6 “(A) The White House Office.

7 “(B) The Office of Administration in the Exec-
8 utive Office of the President.

9 “(C) The Office of Policy Development.

10 “(D) The Office of National Drug Control Pol-
11 icy.”.

C. E. 396
Changed to
Sally Rafter 11/3/97