

FOIA MARKER

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FBI FILES OBTAINED BY THE WHITE HOUSE

1. THE PRESIDENT HAS CONDEMNED THE INVASION OF PRIVACY THAT RESULTED FROM THE UNACCEPTABLE MISTAKES THAT OCCURRED IN THE WHITE HOUSE'S EFFORT TO RECREATE THE SECURITY PERSONNEL FILES OF ITS HOLDOVER EMPLOYEES. NO ONE IS MORE UPSET OVER THIS THAN THE PRESIDENT AND HE HAS APOLOGIZED TO THOSE WHOSE FILES WERE MISTAKENLY OBTAINED.

2. THERE IS NO EVIDENCE OF ANY DELIBERATE MISCONDUCT OR IMPROPER MOTIVE IN THIS MATTER.

- AFTER SEVERAL DAYS OF CONGRESSIONAL HEARINGS, THE EVIDENCE SUPPORTS ONLY ONE REASONABLE CONCLUSION -- THIS WAS AN INEXCUSABLE, BUT INNOCENT BUREAUCRATIC MISTAKE.
- DESPITE THE FACT THAT THERE IS NOT A SHRED OF EVIDENCE TO DATE THAT THE FBI FILES WERE USED FOR IMPROPER PURPOSES, REPUBLICANS ARE MAKING RECKLESS CHARGES IN ATTEMPT TO SCORE POLITICAL POINTS.

3. THE PRESIDENT IS DETERMINED TO GET TO THE BOTTOM OF HOW THESE INEXCUSABLE MISTAKES COULD HAVE BEEN ALLOWED TO HAPPEN, AND WILL MAKE EVERY EFFORT TO ENSURE THAT THE AMERICAN PEOPLE GET ALL THE FACTS ABOUT THIS MATTER.

- THE WHITE HOUSE IS COOPERATING WITH THE INDEPENDENT COUNSEL INVESTIGATION, AND THE OVERSIGHT REVIEWS OF THE SENATE AND HOUSE OF REPRESENTATIVES.
- THE WHITE HOUSE IS NOT CONDUCTING ITS OWN INVESTIGATION.

4. THE PRESIDENT HAS PUT IN PLACE A SERIES OF PROCEDURES TO ENSURE THAT THE MISTAKES MADE WILL NEVER HAPPEN AGAIN.

- FBI BACKGROUND REPORTS WILL NOT BE REQUESTED WITHOUT AN INDIVIDUAL'S EXPRESS, WRITTEN, AND CURRENT CONSENT, EXCEPT IN EXTRAORDINARY CIRCUMSTANCES INVOLVING NATIONAL SECURITY OR A CRIMINAL INVESTIGATION.

- THE WHITE HOUSE RESTRUCTURED ITS PERSONNEL SECURITY FUNCTIONS BY INCORPORATING THEM INTO THE SECURITY OFFICE OF THE EXECUTIVE OFFICE OF THE PRESIDENT. THIS OFFICE IS STAFFED ENTIRELY BY CAREER PROFESSIONALS.
- THE WHITE HOUSE COUNSEL OR DESIGNATED ATTORNEY IN THAT OFFICE MUST PERSONALLY APPROVE AND SIGN ALL REQUESTS. THE SECURITY OR VETTING OFFICER WHO REQUESTS A REPORT MUST CERTIFY THAT IT IS FOR OFFICIAL PURPOSES ONLY.
- ACCESS TO FBI FILES WILL BE STRICTLY LIMITED TO WHITE HOUSE OFFICIALS DESIGNATED IN WRITING BY THE CHIEF OF STAFF AND COUNSEL TO THE PRESIDENT.

Obtaining FBI reports on those with access to the White House has been a routine practice of this and past Administrations for thirty years.

- The FBI files at issue Contain summary reports of FBI background checks, not raw data.
- Copies of such FBI reports have been routinely obtained from the FBI and maintained by the White House Office of Personnel Security on every holdover employee with access to the White House -- by this and prior Administrations. This is commonly referred to as the Update Project, and occurs every four years.
- The procedures that have been used in this Administration appear to have been in place for the last 30 years. In fact, the same request form at issue here was used by Bush Counsel C. Boyden Gray and Reagan Counsels Arthur Culvahouse and Fred Fielding.

The Bush Administration removed and archived all FBI files it had collected and maintained of all those who had access to the White House during that administration.

- By Inauguration Day, January 20, 1993, the Bush White House cleaned out the personnel security files of all White House employees and others with access -- including those belonging to White House holdover employees in the Clinton White House and those who continued to have a legitimate need for access.
- In mid-1993, the Personnel Security Office undertook to recreate files for the White House employees held over from the Bush Administration.

Anthony Marceca was assigned responsibility for the Update Project after long-time veteran of the office, Nancy Gemmell left.

- Mr. Marceca, a civilian detailed from the Army, was known to Mr. Livingstone, the former Director of the Office of Personnel Security, from their work together on political campaigns.
- The Update Project included recreating FBI files for a number of agencies whose employees work within the White House complex, such as the NSC, the GSA, the Residence, AT&T and C&P, as well as White House staff.
- According to sworn statements, Mr. Marceca relied on Secret Service access lists obtained from Nancy Gemmell, who had done the Update Project in prior administrations.
- In carrying out the Update Project, Mr. Marceca did not immediately seek to retrieve files on White House staff. Instead, he first completed requesting (A to Z) for a

number of agencies and offices within the White House (including NSC, GSA, Residence, AT&T, C&P, interns, volunteers and others).

- Only then did Mr. Marceca start on the White House staff list. He made requests for FBI reports for names on that Secret Service list, but only completed requests for names beginning with "A" through "Go" before his detail concluded.
- After Mr. Marceca's detail ended, Ms. Lisa Wetzl took over and finished the Update Project. She noticed that the Secret Service list was outdated and immediately stopped the retrieval of files from that list.

The lists involved in this matter include both Secret Service computer lists and an archive list of files sent to the White House Office of Records Management

- The Secret Service lists are printed on green and white computer paper. The lists provided to Ms. Gemmell, Mr. Marceca and Ms. Wetzl were outdated. For example, the list used by Mr. Marceca included Billy Dale and former Bush and Reagan Administration political appointees.
- The list released by the White House of the 341 individuals whose files were mistakenly updated is NOT the list used by Mr. Marceca, but was compiled by Lisa Wetzl when she archived the files Mr. Marceca mistakenly ordered with the Office of Records Management.

The FBI and the White House have identified many of the mistaken requests made by Mr. Marceca.

- The FBI and the White House have identified just over four hundred individuals whose files were mistakenly ordered. The White House requested the FBI to retrieve all files which the White House should not have custody.
- On June 25, the FBI stated that it had identified an additional 216 requests for copies of previous reports, but said that it did not know whether these requests were proper. All 216 of these requests were GSA employees who were assigned to the White House, and efforts are now underway to determine if any of these requests were mistakenly made.
- In other words, these requests are **not** a continuation of the list of White House staff names starting from A to G.

The President has apologized to those whose FBI summaries were obtained in the mistaken belief that they still had access to the White House in 1993.

- This appears to have been an inexcusable mistake that resulted from reliance on outdated access lists.

- Based on sworn, public testimony, we have no indication whatsoever that information from the files was ever improperly used.
 - Mr. Livingstone and Mr. Marceca have publicly testified that requests for and use of these FBI files were not for any improper purpose and that no one from the White House -- or anyone outside the White House -- ever requested that this information be used for political purposes.

The White House is NOT conducting its own separate investigation into this issue.

- The Independent Counsel is investigating the circumstances under which the White House obtained FBI background files in 1993-94.
- The White House is cooperating with this and the Congressional inquiries and is confident that once these examinations are complete and all the facts emerge the American people will see this for what it appears to be: an innocent bureaucratic mistake.

The White House has reached an accommodation with the House Government Reform Committee pertaining to the Travel Office matter, allowing the privileged documents to be reviewed to allay any concerns that any document over which Executive Privilege was asserted is not being withheld to prevent full disclosure over the FBI file matter.

June 27, 1996