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Folder Title: June 21, 1996 Clinger - Ickes - Privileged / Non-Responsive [1]				
Staff Office-Individual: Counsel's Office				
Original OA/ID Number: CF 670				
Row: 18	Section: 2	Shelf: 1	Position: 2	Stack: v

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001a. resume	Mari Anderson. (1 page)	00/00/0000	b(6)
001b. form	Presidential Transition Resume Routing Form. (1 page)	00/00/0000	b(6)

COLLECTION:

Clinton Presidential Records
Counsel Office

OA/Box Number: CF 670

FOLDER TITLE:

June 21, 1996 Clinger-Ickes - Privileged - Non-Responsive [1]

2006-1066-F

vz3536

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

June 14, 1996

Criminal Liability for Unwarranted Disclosure of Security Files

1. Under the Privacy Act, 5 USC 552a (1996):

"Any officer or employee of an agency, who by virtue of his employment or official position, has possession of, or access to, agency records which contain individually identifiable information the disclosure of which is prohibited by this section . . . and who knowing that disclosure of the specific material is so prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, shall be guilty of a misdemeanor and fined not more than \$5,000. 5 U.S.C. 552a(i)(1)

2. The White House is not, however, an "agency" subject to the Privacy Act. See Kissinger v. Reporters Comm. for Freedom of the Press, 455 U.S. 136, 156 (1980). See also Meyer v. Bush, 981 F.2d 1288, 1291 n.1 (D.C. Cir. 1993).

3. The Privacy Act has a separate provision that applies to any "person" and this section would appear to cover the White House. This provision states:

"Any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretenses shall be guilty of a misdemeanor and fined no more than \$5,000. 5 U.S.C. 552a(i)(3).

"Person" is defined broadly in the Act to include any individual and any business, public or private organization other than an agency. 5 U.S.C. 551.

4. Executive Order 10450, 5 C.F.R., 1989 Compilation at 47, provides that in the interest of national security investigations shall be conducted as a condition of government employment. The Order further provides that background information obtain shall be "maintained in confidence." Id. at 9(c). It does not provide sanctions, however, for improper disclosure.

5. 18 U.S.C. 1001 (1996) provides that any person who "knowingly and willfully falsifies, conceals or covers up . . . or makes or uses any false writing of document knowing the same to contain any false . . . statement or entry, shall be fined under this title or imprisoned not more than five years, or both.

6. 18 U.S.C. 1924 imposes criminal liability for knowingly removing "materials containing classified information" without authority and "with the intent to retain such documents or materials at an unauthorized location...." This provision does not appear, however, to apply.

WHO EMPLOYEEDATE OF BRIEFING

Torkelson, Jodie	02-08-95	
McCurry, Michael	01-18-95	
William, Margaret	12-19-94	
Moore, Lori	12-14-94	(OVP)
Tarmey, Marjorie	12-12-94	
Currie, Betty	12-09-94	
Enright, Janice	12-06-94	
Ickes, Harold	12-06-94	
Bowles, Erskine	11-22-94	
Borrstin, Robert	11-22-94	
Sperling, Eugene	11-22-94	
Deich, Michael	10-13-94	
Hughes, Edward	10-13-94	
Altman, Roger	10-12-94	
Mikva, Abner	09-16-94	
Richard, Robert Paul	08-26-94	
Walker, Anne Sherle	08-26-94	
Marshall, Capricia	08-26-94	
Wetzl, Lisa	08-26-94	
Angell, John	07-15-94	
Panetta, Leon	07-15-94	
Cicconi, James	06-30-94	
Baer, Donald	07-01-94	
Waldman, Michael	07-01-94	
Boorstin, Robert	07-01-94	
Wilkie, Curtis Carter	07-01-94	
Neuwirth, Stephen	06-22-94	
Bradley, Jane	06-22-94	
Simon, Gregory Charles	05-20-94	
Myers, Margaret	05-04-94	
Klein, Joel	05-02-94	
Toback, Paul	04-18-94	
Tyson, Laura	04-08-94	
Hernreich, Nancy	04-08-94	
Gearan, Mark	04-07-94	
Stephanopoulos, George	04-06-94	
Lake, Tony	03-29-94	
Nolin, Alice	03-28-94	
Brown, Lee	07-26-93	(ONDCP)

SENSITIVE BUT UNCLASSIFIED

Should be
redacted to
eliminate info
Security section

TO: Mr. Christopher D. Cerf
White House Counsel's Office
Executive Office of the President

May 27, 1994

FROM: Christopher M.B. Disney *CD*
John R. Hancock *JRH*
Bureau of Diplomatic Security
US Department of State

not
responsive
?

SUBJ: Review of EOP Security Issues

The Bureau of Diplomatic Security of the Department of State was informally requested to assist the Executive Office of the President in conducting a review of procedures involving the handling and storage of national security information. The review was conducted during the period May 16-27, 1994, by the reporting officers who were detailed to the EOP for the duration of the review.

The review was necessarily limited in scope due to time restrictions but, in all, 62 interviews were conducted as shown on the attached listing of personnel. In addition to interviewing EOP personnel, including detailees, an after hours review of USSS-UD security check procedures was conducted. Documentation reviewed included items such as the White House Staff Manual, OPM instructions and a variety of EOP security-related memoranda.

It is the opinion of reporting officers that, in general, procedures governing the handling of national security information ranged from highly effective to those requiring improvement. Certain EOP elements such as the NSC, WHMO, ONDCP, PFIAB and others which handle large quantities of classified information appeared to have viable, pro-active and aggressive security programs. Procedures reviewed within these elements adhere to USG regulations and commonly accepted practice. Officers charged with security responsibilities are well versed in procedure and provided

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evidence of well-structured, detailed and thorough programs. All personnel interviewed displayed extremely positive attitudes towards the conduct of the review and voiced the expected commitment towards the protection of classified and sensitive information.

Areas requiring improvement and modification of procedure are addressed in the attached outline. We found that only certain security practices and procedures generally involving offices not handling large quantities of classified information needed attention. Corrective action, in most cases, could be achieved by an aggressive security awareness training program and revision of some procedures. In addition, the recommended consolidation of security functions would provide a comprehensive, uniform and centrally-managed approach with clear lines of authority and responsibility.

The issues addressed and recommendations which resulted are divided into four general areas: (1) Procedural Security, (2) Personnel Security, (3) Security Awareness and (4) Security Organization.

1. Procedural Security

a. Protection of national security information was the major purpose of this review. Most EOP elements indicated their handling of classified information was minimal. Examination disclosed procedures which ranged from highly effective to those requiring improvement.

A common set of procedures addressing the accessing, handling and disposal of classified information does not exist. Procedures have been issued by the EOP Security Officer within the Office of Administration for certain EOP offices but they are dated (June 1988) and have not been established for or applied to all elements of the EOP. Several organizations within the EOP appear to lack formal procedures for governing the access and handling of national security information.

Recommendation No. 1

Uniform procedures based upon existing USG regulations should be drafted and promulgated to all entities which comprise the Executive Office of the President. ||

b. Classified information enters EOP elements either electronically (classified communications circuits or secure fax) or hand-carried by courier. In each of the entities of the EOP structure, material is ordinarily distributed from a central distribution point or is received through a terminal in a SCIF. Highly sensitive material, for example the NID, appears for the most part to receive the requisite handling and protection with the exception that in some cases the NID is not returned in a timely manner causing extensive administrative problems in conducting the necessary tracking procedure. In one case, the NID had not been returned for almost six months. In another case, the NID was routinely included in a comprehensive daily briefing book and given to a secretary for further distribution. This person is not, as of the date of this report, cleared for access to SCI.

2.

Recommendation No. 2

All recipients of the NID and other numerically controlled documents should be reminded by memorandum from as high a level as appropriate of their obligation to restrict access to this material and return these documents to the issuing office within the prescribed time period. In addition, strict adherence must be maintained to the limitations placed upon distribution of the NID by the CIA. Access by personnel not on the distribution list must be approved by the originating office within CIA.

NSC

c. Within the EOP, outside the NSC, WHMO, PFIAB, ONDCP and a few other exceptions, there appears to be remarkably little national security information processed and stored. There is, however, a significant amount of information which is extremely sensitive in nature -- the President's Daily Schedule is one example. Anecdotally, during reporting officers' assignment to the OEOB, part of the time was spent in Room 502. Each morning a copy of the President's Schedule for that day and, on one occasion, a 3-month advance schedule was found in an envelope in front of Room 502 marked for "Jeff Watson" who presumably formerly occupied the office. The Schedule was unclassified and uncontrolled in an unsealed envelope.

Recommendation No. 3

Procedures for limiting distribution and enhancing protection of sensitive information, especially the President's Daily Schedule, should be reviewed and improvements made as appropriate. This process should also extend to information transmitted by unclas fax between the White House Complex and Presidential trip site locations.

d. Personnel interviewed were aware and acknowledged that the EOP/OA computer system in use (OASIS), was restricted to unclassified information. However, if secure systems did not exist in their office space, not all personnel were aware how classified information could be processed. It is noted that the IST Division of OA has recently completed

a draft directive on InfoSec concerns. It appears thorough, detailed and broad in scope and should be promulgated as soon as possible.

Recommendation No. 4

Procedures should be issued reinforcing the requirement not to process classified information on non-secure systems. Personnel should also be made aware of available automated systems which can be utilized for processing classified information and the highest level of information permitted.

e. Procedures for disposition of classified material in many office areas seemed unclear. cursory reviews of many office spaces detected unusually few security containers.

Recommendation No. 5

A thorough survey should be conducted by each agency/office security officer to determine the exact requirement for security containers with an emphasis on reducing any classified holdings to the greatest extent possible but insuring that the remainder receive appropriate storage in approved containers. In addition, combinations on all security containers should be changed upon the departure of the office incumbent and/or at least once a year. Records should be maintained. It may be beneficial to have one or more common security containers located in the West Wing first and second floor areas where classified can be stored as required. It is also noted that SCIFs are not established on these two floors. All SCI material must, therefore, be secured in the Sit Room on the ground floor.

f. Few offices are equipped with shredders; most rely on burn bags. Discussions with a variety of employees revealed an inconsistent approach to the burn bag process. Some were collected by USSS-UD and others were delivered to a central shredding facility. Some employees seemed unsure of the process and used burn bags for disposal of unclassified material. Anecdotally, reporting officers discovered an unsecured burn bag in an unoccupied office in the OEOB at OOB on a Monday

morning. It was not checked for classified material. It had been unprotected for an unknown period over a week-end.

Recommendation No. 6

Clear, consistent procedures should be established for the collection/disposal of classified waste material. Ensure "open storage" is not permitted in unauthorized spaces. Each office which processes/handles classified information should utilize a standardized COB check list. After hours checks by USSS-UD should include checking for unsecured burn bags, classified information left unprotected and open containers.

Recommendation No. 7

Instructions issued on May 16, 1994 by Ms. Patsy Thomasson should be enforced. The shredder operator at the NEOB complained that burn bags continue to be piled in front of his door at OOB each morning. Each would have been unprotected on an unsecure loading dock area for varying periods and therefore subject to compromise.

g. Hard copy material is hand-carried throughout the EOP complex which includes the NEOB, the OEOB, the Winder Building, ONDCP and the White House. Procedures lack uniformity and vary in the degree of protection afforded. The EOP Mail Room process (Red Tag) appears effective but personnel from many offices also individually hand deliver material.

Recommendation No. 8

Instructions should be issued clarifying courier procedures and lockable courier pouches should be issued to central offices within each building for the transport of SCI material. Personnel transporting classified/sensitive information outside the OEOB/WH complex should be reminded of requirements and procedures.

Recommendation No. 9

Storage/access procedures for SCI and other codeword material should be thoroughly examined especially in West Wing offices. A walk-through by reporting officers at 2300 hours on 5/25 disclosed the fact that (a) few,

if any, safes are available in West Wing working spaces, and (b) at COB, within certain West Wing first floor offices, material was simply left on the desk - a TS document was discovered unprotected on one desk. It is noted, however, that a UD officer is present in front of the Oval Office 24 hours a day making the possibility of compromise remote. Due to the quantity of documents seen unprotected in various offices, the presence of other collateral or code word material cannot be discounted.

Recommendation No. 10

New COB procedures should be established for certain first floor West Wing offices. After departure of the principal, staff members should be required to collect all classified/sensitive material and secure it. Safes should be procured for this purpose. While access to the West Wing is controlled by UD personnel and chars are escorted (ratio unknown), material left exposed could be subjected to scrutiny by char force or other uncleared personnel perhaps being escorted on tours.

Recommendation No. 11

Certain offices have evening secretarial shifts. If the secretary leaves prior to collection of the burn bag by the UD officer, she simply leaves the unsecured bag in full view. This procedure is also employed by day shift personnel. Burn bags should receive more positive control. One option would be for staff members to hand carry the closed burn bag to a central holding room for later collection by UD. This will insure positive control from the time a document enters the office to its destruction.

Recommendation No. 12

Within the EOP, burn bag destruction procedures fall into two general categories: (1) NSC (both Sit Room and OEOB) material is held in a secure area for weekly collection and destruction by CIA courier, and (2) Collection by UD personnel and office staff and carriage to one of two destruction facilities in the OEOB (Basement Area) or NEOB (Loading Dock). In the latter category, material is taken out of the burn bag and placed on the conveyor belt which carries it to the shredder. At that point the material is in full view of the operator. SCI material may be present and operators have not been authorized SCI access. Either operators should be

SCI accessed or instructions should be promulgated to staff to segregate SCI from collateral waste.

2. Personnel Security

a. Within the White House Personnel Security Office (WHPS), a 17-step process has been established which results in the issuance of a building pass. In addition, under the signature of the Chief of Staff, an instruction was issued on March 14, 1994 concerning completion of security related paperwork for new employees. Procedures seem clear, are endorsed by senior management and provide for punitive measures for non-compliance. The areas which may warrant additional attention, however, are the adjudication process and the timeliness of the entire procedure. The FBI conducts a SSBI and returns the ROI to the WHPS where it is reviewed for issues of suitability and potential embarrassment to the Administration. The report is then forwarded to the USSS for review from a protective intelligence perspective and a permanent pass issued as appropriate.

The pass that is issued appears to be adjudicated primarily on the basis of suitability and potential threat to the President. While not dissimilar, adjudicative criteria for access to national security information which would include potential CI concerns does not appear to be specifically addressed in this process. Issuance of the pass, however, is in fact viewed as the potential for authority to access classified information up to and including Top Secret. There is some confusion as to exactly what issuance of a permanent pass means.

Recommendation No. 1

The system employed by the various elements of the EOP to issue building passes and to grant clearances lacks uniformity. While unique requirements exist, for example, within the WHO and WHMO, procedures should be as common as possible. A Task Force composed of EOP Security and Personnel Officers should address this issue and arrive at consensus.

7.

Redundant areas should be identified and avoided. N.B. During the course of the review, several comments were made regarding the excessive length of the clearance process which caused administrative problems. It is noted, however, that a great deal of attention has been given to this issue and as of May 11th, 76% of the staff had been issued passes. The balance were either in the adjudication process, pending a BI or awaiting paperwork (2%).

Recommendation No. 2

If, in the adjudication process, a conscious application of criteria governing access to national security information is not applied, then this should occur forthwith. Personnel involved in the adjudication process should refamiliarize themselves with these instructions which are included in Chapters 731, 732, 735 and 736 of the Federal Personnel Manual as amended by the FPM Sunset Document.

Note: The Diplomatic Security Service is prepared to detail a senior Personnel Security Adjudicator to work within the WHPS for a short period to assist in the establishment of this process and provide informal OJT of personnel as necessary.

Recommendation No. 3

To assist in the timely retrieval of information concerning the level of clearance granted/held by each employee who is a member of any element of the EOP or who holds any type of pass allowing unescorted access to any EOP facility, a data base should be created. Information should be available in this system to any of the security officers within the EOP structure. This will also aid considerably in the passing of clearances in a timely fashion to other USG agencies.

Recommendation No. 4

Signing of the SF 312 and the resulting acknowledgement of one's responsibilities in the protection of classified information is inconsistent. Throughout the EOP, common procedures should be established in the clearance issuance and briefing process to insure the SF 312 is signed by each person granted access to classified material.

Recommendation No. 5

The building pass system seemed unnecessarily complicated with a somewhat bewildering array of variously colored and lettered passes. The brevity of this survey did not permit a detailed analysis of the system but it is recommended that this issue be another agenda item for the EOP Security Coordinator group to address.

Recommendation No. 6

Employment of Volunteers and Interns in areas in which classified material is handled should be severely limited. If unavoidable, those so employed should be cleared up to the Secret level with access limited to that level. This can be accomplished through conduct of a NACI.

Recommendation No. 7

The wording of the memorandum from WHPS regarding the completion of a favorable BI and the authorization for a permanent building pass and security clearance should be revised. It is imprecise and is not understood by at least one EOP unit security officer.

Recommendation No. 8

WHPS personnel are under pressure to insure that personnel are cleared in as short a time frame as possible. Given the functions expected of this office, it appears extremely understaffed and in unusually cramped physical space. Efforts to alleviate both problems should be undertaken as soon as possible.

Recommendation No 9

The WHPS staff is required to adjudicate a wide variety and a vast number of background investigations. The process ultimately allows access to national security information. All EOP personnel, especially those in the WHPS, who are charged with adjudicative responsibility should receive formalized training. It is recommended that this occur to insure proper criteria is applied and to maintain the credibility of the process.

Recommendation No. 10

It is recommended that a program be initiated as soon as possible to subject each file on the pending clearance/building pass list to a thorough review to ascertain precise disposition. It is suggested that the process begin with the WHO, the most highly visible office within the EOP.

Recommendation No. 11

It is recommended that a survey be conducted beginning with WHO staff to determine who, in fact, has access to collateral and SCI material. Commensurate levels of clearance and access should be effected and a central record maintained.

Recommendation No. 12

The "White House Office Supplemental Information Sheet for Personnel Action" should be slightly revised as discussed. Inclusion of this information should help speed the process of accessing classified information since Secret/Confidential access can be granted by satisfactory completion of a NACI pending completion of the full field BI.

3. Security Awareness

a. Some procedures are in effect for certain security related issues. For example, page B-6 of the White House Staff Manual outlines how unsecured classified material is to be handled. However, it appears that procedures are neither widely known nor strictly followed. The Security Awareness program should be so designed as to (1) Initially brief incoming personnel, (2) periodically remind employees of their security related responsibilities and (3) brief employees on unique security and CI concerns prior to travel abroad. During the course of this review, several persons commented that "security problems" were most evident in areas populated by "political appointees" as opposed to career civil service/detailed personnel. Most agreed that security awareness training was sorely needed. It was noted, for example, that WHCA offered two

separate briefings on overseas security issues with one person showing up for the first and only a handful for the second. It is also noted that the Security Office, OA, is engaged in a periodic training effort.

Recommendation No. 1

A system-wide program of security training should be initiated. It is suggested that this include briefings to junior and mid-level staff and a comprehensive series of periodic memoranda to senior staff. Emphasis should be placed on the handling and disposal of classified material, classification management and the unique nature of employment within the EOP which may make personnel particularly attractive to Hostile Intelligence Services (HOIS).

Recommendation No. 2

To assist the EOP Security Staff in the conduct of a security awareness program, the Diplomatic Security Service is prepared to present a 45-minute briefing program with Q&As addressing two primary areas: (a) Handling of national security information and (b) Technical security concerns. The latter is designed to demonstrate vulnerabilities of such areas as telephone usage, particularly the ease in interception of conversations on cellular phones.

Recommendation No. 3

The existing 37 minute security awareness instructional tape should be re-done. It is too long, attempts to cover too many unrelated issues and tends to lose the attention of those viewing. It needs to be shortened to a maximum of 15 minutes and considerably tightened in scope and presentation. It should be accompanied by a presentation by each agency security officer addressing agency-specific security issues. It is noted that this effort has been initiated by the OA Security Officer.

Recommendation No. 4

An EOP Security Handbook should be developed and distributed to all current and new personnel. It should include information presented in the tape, contact numbers for security personnel, emergency numbers,

description of procedures and other related information. It is noted that the Security Office, OVP, has developed and issued a detailed and extremely useful document which could provide the basis for an EOP Handbook.

4. Security Organization

a. Virtually every agency within the EOP has its own security coordinator but the entire system is fragmented and lacks cohesion and uniformity. Security procedures vary extensively with minimal cross polination despite periodic meeting of the Security Coordinators group. There is little back-up and when individuals are on travel status procedures slow down and often stop. Uniformity is achieved only on an informal, ad hoc basis. Under a centralized, properly staffed security directorate, policy would be uniform and procedures appropriately enforced.

Recommendation No. 1

To facilitate a comprehensive, EOP-wide security program, it is suggested that the existing fragmented operation be overhauled. For the recommendations made herein to be effective, a change must be made in the way the security program is managed. Therefore, a position should be created to coordinate the wide array of EOP security programs. The primary function would be to establish uniform policy and procedures for all elements within the EOP structure. The incumbent should be a security professional (career or detailed) and the senior security officer within the EOP. The position could be possibly entitled Director of Security, Executive Office of the President, with all existing Security Coordinators reporting to him/her for security programming purposes only. He/She should report to as high a level as possible within the General Counsel, WHO, which will add authority to the function.

12.

Note: To assist EOP Staff in implementing this recommendation, the Diplomatic Security Service is prepared to detail a senior officer to provide guidance and direction as required in establishing such a position.

Attachment: Personnel Interviewed

THE WHITE HOUSE

WASHINGTON

PERSONNEL INTERVIEWED

White House Office

Mari Anderson, Executive Asst. to WH Per. Sec. Dir.
Larry W. Croce, Military Office Security Director
Craig Livingstone, Personnel Security Director
Beth Nolan, Associate Council to the President
John D. Podesta, Asst. to the President/Staff Secretary
Claude A. Taylor, Director of Volunteers
Paul A. Toback, Special Asst. to Chief of Staff
Rod Von Lipsey, WH Fellow/Special Asst. to Chief of Staff
Sharon E. Wagner, Admin. Asst. to the Staff Secretary
Francis R. Wessel, Admin. Asst. to the Staff Secretary

National Security Council

James E. Baker, Deputy Legal Advisor
John W. Ficklin, Deputy Director Records Management
Christopher L. George, Staff Information Assistant
David E. Herrington, Adm. Office Systems Director
Andrew S. Kerr, Staff Information Assistant
Robert J. Manzanares, Administrative Office Director
Patricia C. Nelson, Security Officer
John W. Peggins, Systems Manager
Ralph H. Sigler, Deputy Director WH Situation Room
David S. Vantassel, Asst. Director Information Disclosure

National Economic Council

Robert D. Kyle, Special Asst. to the President
Elaine M. Mitsler, Executive Asst.-International Group

Office of the Vice President

Todd J. Campbell, Counsel and Dir. of Adm. for the VP
Joanne M. Hilty, Security Officer for the OVP

Council of Economic Advisors

Elizabeth A. Kaminski, Admin. Officer and Security Coord.

Office of Administration

Mary Coutts Beck, Director of Personnel Management
Christopher D. Cerf, General Council
Alejandro L. De Leyos, Mailroom Supervisor
Charles C. Easley, Security Officer
Mark E. Frownfelder, Security Specialist
Lawrence R. Jurcich, Telecommunications and Security
James L. MacDonald, Director Info. Systems and Technology
Gwendolyn N. Weaver, Dep. Asst. Director for Info. Management

THE WHITE HOUSE

WASHINGTON

Office of Management and Budget

Roberta L. Foster, Secretary-National Security CCCI
Darrell A. Johnson, Deputy Asst. Director of Administration
Marilyn E. Jones, Secretary-Dep. Assoc. Dir. National Sec.
Anthony B. Wu, Budget Examiner/Acting Branch Chief CCCI

Office of National Drug Control Policy

Tilman Dean, Support Services Spec./Security Coordinator
Henry H. Marsden, Director Supply Reduction

Office of Science and Technology Policy

Barbara A. Ferguson, Administrative Office/Security Coord.
Deborah J. McGovern, Administrative Assistant
Joann Ward, Administrative Operations Assistant

President's Foreign Intelligence Advisory Board

Gwendolyn S. Watson, Administrative Officer/Security Coord.
Sandra E. Van Namee, Administrative Assistant

United States Trade Representative

Michael Arbogast, Systems Analyst
Lorraine Green, Human Resources Manager
Catherine A. Hofgren, Sup. Servs. Supervisor/Security Coord.
David Spetrino, Special Asst. to the USTR
Joan C. Steyaert, Director Computer Operations

White House Communications Agency

Francis Bartol, Communications Center
Paul Connelly, Security Officer
Robert Gutjahr, Deputy Security Officer
Lawrence Ledbetter, Communications Center

United States Secret Service

Arnie Cole, WH Sec. Branch-Investigations/Access Controls
Lt. Ron Elie, WH Uniformed Division
Tom Farrell, WH Security Branch Chief
Capt. Flanagan, WH Uniformed Division
Capt. J.J. Hampton, WH Uniformed Division
Officer Richard Tozier, WH Uniformed Division
Don Flynn, WH Security Branch
John J. Robey, Technical Services Branch Chief

General Services Administration

Lawrence Downes, Shredder Room NEOB

response?

1

March 29, 1994

MEMORANDUM FOR PHIL LADER

FROM: J. VERONICA BIGGINS *JVB*
BETH NOLAN *BN*

RE: CLEARANCE PROCESS

The Office of Presidential Personnel and the Office of the Counsel to the President recommend that the clearance process be guided by the following stipulations:

Candidates for P.A.S. positions will continue to be handled by the White House Counsel's office. Clearance for P.A.S. candidates will be issued only after the Counsel's Office has completed a public record vet, an FBI background investigation, an IRS tax check, financial disclosure and conflict of interest review, and a Counsel interview.

Candidates for P.A. Boards or Commissions with fiduciary, or otherwise sensitive, responsibilities, and the chairs of certain other Boards or Commissions, will continue to be cleared by the White House Counsel's office, using the procedures outlined above.

Counsel clearance for **all other members of Boards or Commissions** will be limited to a public record vet, an FBI name check and an IRS tax check. These candidates will no longer be required to submit a Personal Data Statement or to be interviewed by the Counsel's Office. They will normally be required to file financial disclosure forms with their Designated Agency Ethics Officials (DAEOs.)

Candidates for S.E.S. positions will no longer be cleared by the White House Counsel, but instead by personnel from the agency in which the candidates are to serve. Crucial steps must be taken to ensure that the agency attorneys conducting the public record vet and interview of these S.E.S. candidates be impartial and their work confidential.

The White House will work with each agency, on a case-by-case basis, to identify who will handle candidate clearance for the agency. Those specified individuals will work with the White House Liaisons and Chiefs of Staff to formulate a process that ensures candidates are cleared in the best interest of both the White House and the agency. The White House Counsel retains the final right to issue or deny clearance to any S.E.S. candidate.

An exception applies for all regional S.E.S. positions, which will continue to be handled by the White House Counsel.

NAME OF OFFICE	TOTAL NUMBER OF STAFF	STAFF W/ PERMANENT PASSES	STAFF W/ ADJUDICATED BACKGROUND	STAFF W/ PENDING BACKGROUND	STAFF W/ NO PAPER WORK
WHITE HOUSE STAFF	395	241	67	77	10
OFFICE OF VICE PRESIDENT	89	63	9	8	9
DOMESTIC POLICY	35	15	10	10	0
NEC	29	11	13	5	0
EOP	11	9	15	1	0
TOTAL	559	339	101	100	19

Is this
responsive?
Does it relate
to OPS or
vetting?
I couldn't tell for sure.
Can you?

I assume it
relates to vetting.
Who is Alice
Smith?

DETERMINED TO BE AN
ADMINISTRATIVE MARKING

2006-1006-F

~~Privileged and Confidential~~

INITIALS: VR DATE: 6/23/15

February 5, 1994

MEMORANDUM TO WILLIAM H. KENNEDY, III

FROM: ALICE J. SMITH

RE: FILES IN VETTING OFFICE

In Room 142 next to Dennis' desk, I have left three boxes of labeled, confidential files from the old Counsel's Office of OPP. I have listed the names of the specific files in each box on the three attached sheets. The small file box contains miscellaneous items bequeathed to those of us who remained by our former attorney colleagues. I did what I could to organize it, but in some cases I was not quite certain what was important to keep. I erred on the side of keeping more rather than less, although I did pitch a lot of duplicates and scraps of paper that made no sense at all. The large white box contains the chronological ("chron") files from January-August, 1993. (The chron files after August are in the cabinets in Rm. 142 and are still in use). The brown box contains mostly my legal research files on various subjects and a group of files related to selection work I did last summer for PPO on creating a pool of Inspector General candidates.

John Carey's vetting procedures memoranda are all in the chron files. My two large procedures memos are there and in a procedures notebook on the shelf in Rm. 142.

Some method of protecting these very sensitive files should be discussed with Records Management soon. The chron files, as well as many of the others, contain legal research memoranda, documents regarding specific candidates, personnel and salary matters, PPO's senior staff meeting materials, and other confidential materials.

There are at least seven to eight containers of miscellaneous computer disks in the office. Some of these contain backups of public record vets (or drafts of same, which I would argue we should not keep); but others seem to contain the kitchen sink. I have not had time to go through each of those disks to determine what is important, but will come and assist another weekend or late evening, if needed. In addition, the computers in Rm. 142 also contain many files that I am unsure how to handle. For example, the computer nearest the door has the majority of the final public record vet files. The shelf against the back wall also has the hard copy vets and many vet

binders from Transition. They, too, ultimately will need to be stored under some confidential classification.

As you know, I am only a phone call away and will be glad to help out as much as I can when, and if, you ever need to close up the vetting shop. Office: (202) 514-1900. Home: (703) 998-0154.

cc: Bernard Nussbaum
Dennis Quinn

Consider

whether
responsive

The issue is whether
since that Hans staff
is included.

The document

itself doesn't

seem so --

are they?

THE WHITE HOUSE
WASHINGTON

DETERMINED TO BE AN
ADMINISTRATIVE MARKING

200-106-f

Privileged and Confidential

INITIALS: VZ DATE: 6/23/15

January 17, 1994

MEMORANDUM TO WILLIAM H. KENNEDY AND DENNIS J. QUINN
WHITE HOUSE COUNSEL'S OFFICE

FROM: ALICE J. SMITH

RE: REVISED VETTING PROCEDURES

This memorandum describes the current vetting procedures performed by the Vetting Section of the White House Counsel's Office. I have used the comprehensive September 16, 1993 Vetting Procedures memorandum as the base, but have incorporated a substantial number of administrative and other changes/additions that we have made in this process since the end of September. These changes have been necessitated by staff downsizing as well as better coordination of our paralegals' administrative duties.

VETTING PROCEDURES

The Vetting Section of the White House Counsel's Office (formerly the Counsel's Office of Presidential Personnel (PPO))¹ is responsible for conducting public record research on potential candidates for federal appointments, preparing confidential memoranda ("vets") based on that research, and interviewing PAS, PA and SES candidates before they may receive counsel clearance. Following is a short overview of the process. This memorandum describes, in detail, the administrative, research, writing, and interviewing procedures currently in use by the Vetting Section.

A. OVERVIEW

Candidate names for public record vetting come into the Vetting Section from PPO's Systems office, although we have often received requests to prepare public record vets directly from other PPO Directors and their Search Managers. The Vetting Section's Paralegal/Administrative Assistant (AA) receives the names and logs them into a Paradox data base and other records described in the next section, provides the names to the researchers with the

¹ From January, 1993 until October, 1993, vetting processes were shared by both the Counsel's Office of PPO and the White House Counsel's Office. As of October, all vetting is supervised by the White House Counsel's Office.

level of the positions, and provides the Vetting Section Supervising Attorney with the names. The AA also sends Personal Data Statement (PDS) forms to non-career SES candidates for whom a PPO "start memo" has been provided, keeps track of those forms when they have been returned, maintains the SES tracking data base, and performs other tasks described below regarding requests for the FBI name checks and IRS tax checks.

The researchers/writers perform the public record research on all levels of candidates. The extent of the search varies according to level of position, or in some cases, on special instructions from the attorneys. Researchers determine whether the public record materials reveal issues that should be summarized in a vetting memorandum. If an initial researcher determines that no issues are presented, then he or she obtains a second opinion from another researcher or attorney. If both agree that there are no issues, the candidate's research folder is placed in the "No Issues" pile and his/her name is included in the next cumulative memorandum listing all candidates on whom no issues were discovered that is sent to Bill Kennedy and other PPO administrators. If the two research reviewers cannot agree or are unsure whether issues are presented, the Vetting Section Supervising Attorney decides. If issues are discovered, the research folder is placed in the stack of "Issues" vets to be prepared and reviewed by the interviewing attorneys.

The researcher/writers attempt, as often as possible, to prepare the written issue vet on a candidate before the candidate is interviewed by an attorney. However, when this is not possible, due to staffing limitations and a large number of research requests on candidates, the interviewing attorney reads the raw public record research material from the file before doing the interview and reporting on the candidate to Bill Kennedy.

The vet drafter reviews the research file, discusses any additional research needed with the researcher (assuming the writer is not the same as the researcher), and prepares the issue vet. After the initial drafting of a vet, a second researcher/writer/attorney reviews the file and edits the vet, discussing additional research required, organization of the vet, etc. with the writer. When both the drafter and the second reviewer are satisfied with the vet, the final version is read by the Vetting Section Supervising Attorney, put in final format with the appropriate cover memorandum and distributed to Bill Kennedy and PPO administrators described in the details section below.

Attorneys interview PAS, PA and high level SES candidates after completed PDS forms arrive and discuss the results of these interviews and the public record research, if there are issues, with Bill Kennedy who determines whether to clear candidates. Lower level SES candidates, except those at State, Justice, Defense, AID, and USIA, receive only a public record vet check and

an FBI name check, but do not complete a PDS or an interview. If there is a particular known reason for concern, the Vetting Section Supervising Attorney or Bill Kennedy may choose to put a lower level SES candidate through the entire process.

PAS and PA folders are returned to Bill for any further procedures, such as the ethics and Form 278 review conducted by attorneys in other sections of the Counsel's Office. Tracking of PAS and PA candidate clearance processes is handled by Edgar Bueno. Bill and Edgar also prepare and distribute the counsel clearance memoranda on PAS/PA candidates.

The counsel clearance memorandum on SES candidates is prepared daily by the Vetting Section Supervising Attorney and must be signed by Bill. No SES candidate is placed on this memorandum until he/she has been interviewed, the FBI name check is in, the tax check is in, and the candidate has been discussed with and cleared by Bill. Attachments to FBI name checks must be reviewed only by Bill. Any IRS tax check on which he has placed a red dot (meaning issues) must be reviewed, the candidate must be questioned on any issues presented, and Bill must be apprised of the tax issues raised before the candidate may be cleared. The clearance memorandum is distributed to certain PPO personnel (described in detail section below). PPO handles telling the SES candidates when they have been finally approved for the job because there may, on occasion, be a reason unknown to Counsel's Office that PPO wishes to hold release of a name. PPO must also communicate with the Office of Personnel Management before a candidate's name is finally released.

B. ADMINISTRATIVE PROCEDURES

The following procedures are performed by the AA in conjunction with the Supervising Attorney, researchers or others as indicated.

Receipt of Names for Public Record Vetting

- Receive SES names with "start memorandum" from PPO Administration (generally from Doug Sheorn who provides resume). If SES names arrive from other sources without start memoranda, check with Antonella Pianalto (or her designated staff member) on proceeding with vetting. On occasion, individuals have obtained PDS forms and submitted them to this office for vetting before we have received word that the President has preliminarily approved them for the job.

- Receive PA/PAS names from Julie Anderson, PPO. If no resume is available, request from Resumix (or researchers can do this).²
- Log names in two places: Clipboard Public Record Tracking Log (all names); AA's Non-career SES Candidate Paradox data base.³
- Notify Supervising Attorney when names arrive and determine with attorney's assistance which SES candidates should receive PDS packets.
- Check for whether a prior public record vet has been prepared and indicate date on start memo.
- Give copies of start memoranda and resumes to researchers to log into their public record tracking system. Give supervising attorney copy of start memo and indicate on it whether PDS forms were sent or not and whether memo has been given to researchers.
- File start memoranda in "Nominations Approved" folders chronologically.

Sending/Receiving of SES Personal Data Statement Packets/FBI and IRS
Check Reports

- No PDS forms are sent by the Vetting Section until we receive the start memo with instructions from Antonella. Edgar will send the PDS

² Names may occasionally come from other sources, such as the PPO directors. Limited vetting staff currently prevents any substantial amount of public record vetting before PPO and the President preliminarily approve a candidate and send a "start memo" to Counsel's Office. The researchers/writers will attempt to do everything possible to produce a public record vet on individuals being considered for the most high profile positions to assist PPO in making its preliminary selection decisions. The Vetting Section, however, is presently limited in its ability to analyze in detail the writings of any candidates who are extremely prolific. We can generally perform a "scandal search" (see description below) within a reasonable time and report at least orally on the results.

³ Before this data base became operational in mid-November 1993, SES names were tracked on a handwritten log that begins in March, 1993. Information from that log has been incorporated into the data base. Another handwritten back-up log, the "desk log," that was in use until September, 1993 has been discontinued.

forms to all PAS/PA candidates. (He receives a copy of the PAS/PA start memos, too).

- Record on SES data base when forms were sent.
- Check that all signed required documents (e.g. releases and waivers) are present. If not, call the candidate and request the missing documents.
- When completed forms and all waivers are returned, log in date received on data base.
- Place PDS form and all waivers except IRS waiver in the SES Interview Queue in SES file cabinet in order of receipt. (Supervising Attorney or Bill Kennedy on occasion may give instructions for certain candidates to be interviewed in advance of others in the queue). Make sure attorneys are aware when files are ready for interviews.
- Prepare requests for IRS tax checks on SES candidates after waivers have been received. Deliver by courier to IRS. Log date of request into data base. Keep copies of all requests.
- Prepare FBI name check requests on day start memo is received. Keep copies of requests. Place requests in box in Edgar's office for FBI pick-up. Check to be sure pick-up occurs as scheduled.
- Check daily with Edgar for IRS reports and FBI name checks. Sort out any SES candidate reports from PAS/PA and White House staff reports. Log into data base the date that each of these reports are received in Vetting Section.
- Alert Supervising Attorney to any tax reports on which Bill has placed a red dot. The Supervising Attorney then consults with the respective interviewing attorney about follow-up with the candidate. All tax reports are filed in the SES interview folders. Place an asterisk by the date that the report is received in the data base until AA is informed by Supervising Attorney that the candidate is ready for final clearance, then remove the asterisk.
- Alert Supervising Attorney to any FBI name checks that have attachments. Place asterisk by date FBI report is received in the data base if there are any attachments. Remove this only after Supervising Attorney tells AA that the candidate has received final clearance. **DO NOT UNDER ANY CIRCUMSTANCES LOOK AT THE**

ATTACHMENTS. THESE ARE HIGHLY CONFIDENTIAL AND ARE NOT TO BE REVIEWED EVEN BY SUPERVISING ATTORNEY WITHOUT PERMISSION FROM BILL. Supervising Attorney will bring any FBI name check report to Bill's attention for review before the SES candidate may be cleared.

- AA follows up with any candidates who have not returned PDS forms within about two weeks. Sometimes the information on the start memorandum on where to send the forms has been in error and candidates have not received forms. Thus, follow-up is important to prevent this.
- AA works with Supervising Attorney, White House Security staff (Craig Livingstone's office) and Edgar Bueno to track down any FBI and IRS reports that may have been misdelivered to wrong office. This has been a decreasing problem for the last six weeks or so, but it still happens on occasion. When FBI name checks and IRS reports are substantially late (i.e. three to four weeks), AA alerts Supervising Attorney, if he/she has not already seen the delay. Supervising Attorney works with Bill on best method (e.g. another fax to IRS and FBI people or call from Bill) for speeding delivery of these reports. **ONLY BILL COMMUNICATES WITH FBI OR IRS, UNLESS HE INSTRUCTS OTHERWISE.**

SES Candidate Clearances

- After Supervising Attorney reports that Bill Kennedy has preliminarily cleared any high level SES candidates after the interview, the candidate's folder is placed in the white bin beside Supervising Attorney's desk until it is determined that tax and FBI reports have been received and are either "clean" or have been approved by Bill.
- AA and Supervising Attorney review data base and files in the white bin daily to determine which SES candidates may be placed on the final Counsel's Office clearance memorandum after all parts of the process have been completed. When lower level SES candidates (i.e. those who will not be undergoing the interview process) have received a "clean" FBI name check and the public record search turns up no issues, they may be placed on the clearance memorandum. If either the public record search has generated issues or the name check has attachments, Supervising Attorney must review the candidate with Bill during the daily vetting meeting with him.

- AA prepares the daily SES clearance memorandum listing the names and positions of the cleared candidates. This is generally done at the end of each day because FBI and IRS reports do not arrive until later in the afternoon. **NO NAME MAY BE PLACED ON THE CLEARANCE MEMORANDUM WITHOUT APPROVAL BY SUPERVISING ATTORNEY.** Supervising Attorney (or AA if instructed) takes memorandum to Bill for his signature. . .
- SES clearance memoranda is delivered to Antonella Pinalto in PPO immediately. Copies also go to Doug Sheorn and Peg Clark in PPO Systems and to Bill.
- Log clearance date for each candidate into the data base. Keep one copy of the clearance memorandum in the cumulative "SES Clearance Memoranda" hard copy file and another copy in the general "Chron" file.

Preparation/Distribution of Final Public Record Vets

- When an issue vet is ready to be distributed, AA obtains final version from main writer and puts the computer file into the main vet collection directory.
- AA spell checks vet and conforms it for style (e.g. margins, etc., if not previously done).
- AA prepares the cover memoranda for the issue vets. Vets are grouped by agency.
- AA (or another researcher) prepares the memorandum containing the mass list of candidates on whom no issues have been discovered in a public record search.
- Vets generally are delivered by approximately 6 p.m. each day., or as frequently as they can be prepared.
- Distribution: All issue vets and the listing of "no issue" candidates are now distributed directly to Bill Kennedy, Jan Piercy, Antonella Pinalto, and to the new PPO Director, Veronica Biggins. Copies of

vets and the "no issues" list are filed in the Vet Chron file and the alphabetical Vet notebooks.⁴

- AA records dates that vets are delivered on the clipboard public record tracking log.⁵
- All final vets should be on the hard drive of the AA's desk computer and backed up daily. At the end of each week, they are transferred onto the hard drive of another computer where all the vets are stored. Staff members should be reminded to delete their rough draft versions of vets on their computers once the AA has processed the final documents.
- The Index for the Vet Notebooks is updated once a week by the AA. Antonella Pianalto receives a new copy each time one is run.
- Public record raw research files used in preparation of vets are placed in the filing bin near the AA for labeling and filing in the Public Record alphabetical cabinets in Rm. 140. (Cabinet containing M-O and O-P is in Rm. 142.) Big Project to Do Soon: Work with Records Management and Bill to determine method of appropriately labeling and permanently storing the very large quantity of these public record research files. Files should be labeled as confidential attorney materials in some manner, but should remain accessible so that documents can be retrieved rapidly as needed.

Other AA Tasks

The AA also answers phones, maintains files of blank SES and PA/PAS interview forms, maintains record of inquiries about candidates for Supervising Attorney, handles most facilities/operations matters. The AA also performs public record research and drafts public record vets, time permitting.

⁴ Previously, all vets were also filed in the Regular Chron file, but this became too space consuming and was discontinued in November, 1993.

⁵ NOTE: Unfortunately, the SES data base does not have space for recording when the public record raw research on SES candidates is completed and when the final vet is prepared. Attorneys are nonetheless responsible for reviewing the public record materials before reporting on candidates to Bill. (The clipboard would still remain necessary for tracking public record vets on PAS/PA candidates).

C. PUBLIC RECORD RESEARCH PROCEDURES

Although some aspects of the research conducted on candidates remain constant, the extent of the research depends on the level of the candidate's appointment, and on any additional information that we have received warranting greater research than would normally be performed. For example, articles written by a PAS candidate will generally be reviewed, or at least those relevant to the appointment if the candidate is a very prolific author. However, an SES candidate's writings will not be reviewed unless there is a particular reason for concern known to us. Details of the research procedures for each level of candidate follow in this memorandum.

- AA gives researchers start memos or other requests for public record vetting. Researchers maintain their own logs on candidates and the status of their research. They coordinate research duties among themselves (i.e. who goes to the Library of Congress, who will perform computer research on a given day).
- Researchers complete a LEXIS/NEXIS research checksheet on all candidates and also a Library of Congress checksheet for PAS candidates. NOTE: These checksheets have been revised and improved since September. The sheets in the attachments to the September 16 memorandum are no longer in use. These research sheets indicate what research was conducted, including the scope and search terms for the computer research.
- If a prior vet has been written on a candidate more than six weeks earlier (or if there is reason to think that the candidate's name has recently been in the press), the researchers will conduct an updated LEXIS/NEXIS search only from the date of the prior vet and will indicate on the research sheet that it is an update only.
- When the research is complete, researchers determine whether the public record materials reveal issues that should be summarized in a vetting memorandum. If an initial researcher determines that no issues are presented, then he or she obtains a second opinion from another researcher or attorney. If both agree that there are no issues, the candidate's research folder is placed in the "No Issues" pile and his/her name is included in the next cumulative memorandum listing all candidates on whom no issues were discovered. (See above in Administrative Procedures).
- If the two research reviewers cannot agree or are unsure whether issues are presented, the Vetting Section Supervising Attorney decides.

- If issues are discovered, the research folder is placed alphabetically in the stack of "Issue Vets" to be prepared and reviewed by the interviewing attorneys.

1. Research for All Candidates

Researchers search every name that comes into the office in the LEXIS/NEXIS computerized databases, using the NEXIS/OMNI and the GENFED/MEGA files. In NEXIS/OMNI, the researcher will first perform a full search on the candidate - in other words, type in the candidate's name, with no qualifiers. If there are too many cites for a researcher to review, the researcher will try a "scandal" search on the candidate.

What classifies as "too many cites" depends on the level of the appointment, as will be explained in the following sections. A scandal search involves using the candidate's name and adding

w/30 scandal! or controversies! or illegal! or illicit! or drug! or blam! or critic! or investigat! or indict! or embarrass! or improper! or complain! or disput! or arrest! or convict! or discriminat! or republican! or clinton!

If there are still too many cites to review, the researcher then searches using the **hlead(candidate's name)** segment, or field, format. This pulls all articles with the candidate's name in the title or lead paragraph.

In GENFED/MEGA, the researcher types **name(candidate's name)** to pull up all cases in which a candidate is either a defendant or a plaintiff. The researcher prints all cites that appear in cite list format for an attorney's review. If a case is thought to involve the candidate, the researcher prints the case in variable kwik 60 (.vk60), or copies the case in the law library, if available. The attorney may ask the researcher to Auto-Cite particular cases to determine prior and/or subsequent history. In some instances, the attorney will Auto-Cite as he or she reviews the cases on line. Researchers should obtain copies of cases that have been highlighted in press reports, whether the candidate has been a party or has represented clients. When researchers are also drafting initial vets, they should be certain to bring to a reviewing attorney's attention exactly what they have done with respect to case law research and their analysis of the cases. Researchers should also indicate clearly on the research checksheets and cite lists what has been done concerning cases and any law review articles.

2. PAS Appointments

For PAS appointments, the researchers generally collect information on names both at the Library of Congress (LOC)⁶ and by using LEXIS/NEXIS.

Library of Congress

At the LOC, researchers look for articles written by or about a candidate. They conduct searches on names in all three LOC buildings, using the following databases:

In Madison Building:

Periodical Room: General Periodicals Online (GPO), Business Periodicals Online (BPO), Infotrac

Law Library: Legaltrac

In Adams Building:

5th floor reading room: Business CD Rom, Science CD Rom (when applicable)

In Jefferson Building:

2nd floor reading room: ERIC, PAIS, Humanities, Biography, Social Sciences

In Any Building: LOCI, BIBL, MAGS

Occasionally, researchers review other resources, such as Congressional directories, art profiles and specialty directories, where those resources may generate more information.

LEXIS/NEXIS

⁶ Recently, limited staff and resources, combined with a very large number of candidate names to research, has necessitated limiting some of the LOC data base searches on a case-by-case basis. Where the researchers determine that a given data base is most likely to generate redundant information or no additional information, they will not perform such searches.

Researchers conduct the most thorough LEXIS/NEXIS searches on PAS appointments. They look not only for controversies surrounding the personal and professional life of a candidate, but also for any controversial aspects of the candidate's philosophy that would relate to his or her new position.

For PAS appointments, researchers should be more hesitant to go to a scandal search. If there are more than 160 cites on a candidate, the researchers try a scandal search. If there are still too many cites to review, an **hlead(candidate's name)** segment search should be done. It is often useful to couple a general name search with the names of all the businesses and schools with which the candidate has been involved. This technique is especially helpful if a candidate has a common name which is generating cites on many different individuals.⁷

If a candidate is a lawyer, the researchers do two additional searches: In GENFED/MEGA, they enter the candidate's name to determine whether he/she represented any controversial parties. (This broad search also encompasses all cases where the candidate is a named party in published cases.) In addition, the researchers do a name search in the files LAWREV/ALLREV and MARHUB/ALLDIR for law review articles and Martindale Hubbell citations on the candidate.

Congressional Testimony

Researchers collect congressional testimony cites for each PAS appointment by calling the law library at the OEOB. Once the cites have been printed at the library, a researcher shows the list to the supervising attorney. If the attorney is interested in obtaining the testimony, a researcher locates and photocopies it in the microfiche room of the NEOB library.

Checks with State Bar Associations/Foreign Agent Registration (F.A.R.A.)/Federal Election Commission (FEC)

For all U.S. Attorney candidates, researchers check with the candidate's state bar associations to determine whether the individuals are in good standing and whether they have received any reprimands, complaints or disciplinary action. When requested by the supervising

⁷ For example, the researcher would type **Jane Doe and Cornell and Georgetown and Wilmer Cutler and litigation and . . .** This should help isolate relevant cites on the candidate.

attorney, researchers have also made this inquiry on other attorney candidates.

When requested by the supervising attorney, researchers check with the F.A.R.A. office at the Department of Justice for possible registration of candidates for positions where such a registration likely would present a conflict of interest (e.g. National Security Council, State Department). This inquiry is made by phone (514-1145) whenever the candidate's resume indicates that he or she might have had such a registration (e.g. certain lawyers who clearly represented foreign governments in their practice).

Also when requested by the supervising attorney, researchers gather FEC information on candidates' political donations or, if the candidate has held political office, who has donated money to the candidate's campaign. This information can be retrieved at the FEC's public information office, located at 999 F Street.

3. PA and High Level SES Appointments (Includes all SES candidates at Justice, State, Defense and high-level positions (DAS and above) at other agencies)
-

Researchers do not gather information at the LOC or congressional testimony cites for these types of SES appointments or for PA candidates, unless there is reason to do so on a particular case. For these SES positions and all PAs, researchers again should be somewhat hesitant to resort to a scandal search. They usually will review as many as 100 cites before qualifying a search. The supervising attorney may ask a researcher to obtain copies of articles written by these candidates where such articles appear from their titles to relate to the position at issue or look potentially controversial.

4. All Other SES Candidates

For all other SES candidates, the researchers perform only a "scandal search" (see above) if there are more than 50 cites on a candidate using the general name search. Both the NEXIS/OMNI files and GENFED/MEGA files are searched. If no issues are discovered, the researchers inform the supervising attorney orally.

D. WRITING OF VETS

- Writers pick up "issue vet" folders from the alphabetical stacks on the vetting shelf and prepare drafts of vets. While using a folder, the

writer should place a colored sheet with the candidate's and the writer's name in the alphabetical place in the stack so that an interviewing attorney will know where the public record research can be located.

- Initial vet drafters review the research file with the researcher involved (if they are not the same person) and request additional information where necessary. Drafters prepare what are termed "Defensive (or Issue) Vets," which highlight any issues or potential controversies found in the public record search. Currently, we attempt to give each issue a separate subheading so that a reader who is scanning can focus his or her reading on the points of most interest to him or her.
- The vet includes a short initial summary of the candidate's background. The writer also will discuss relevant articles written by PAS and PA candidates, whenever possible. We include a footnote indicating when resources have precluded a comprehensive review of writings. When it is deemed useful, a resume listing of a particular candidate's written works may be attached to a vet in order to give the reader at least a sense of the subject areas in which he or she has written.
- If a prior vet has been written and additional "update" research (see research section above) reveals issues, the drafter prepares an update vet that discusses the new issues, with the old vet attached. On the cover memorandum to the final vet, it is indicated that this is an "update" vet. If the new research revealed no issues, then the mass listing "no issues" memo includes a parenthetical stating that it is an update only.
- The first writer provides the research file and draft vet to another researcher/attorney for a thorough review and editing. The reviewer may request additional research. In all cases, the second reader should review the research sheets to determine whether research was thorough. Once a satisfactory vet is produced, it is provided to the Supervising Attorney for final review and distribution (see procedures above).

E. CANDIDATE INTERVIEWING

- Attorneys interview PAS/PA/SES candidates after their PDS forms have been received. The attorneys pick up SES candidates files in order from the Interview Queue in the SES cabinet. They inform the AA each time they take an SES file. The AA records the interviewing attorney's name in the data base.

- The Supervising Attorney picks up PAS and PA files from Edgar Bueno approximately every other day for distribution to the interviewing attorneys. Supervising Attorney keeps track of which attorney has each PAS/PA file.
- Attorneys locate and review the public record vet if completed or, if not, the raw research file.
- Attorneys review PDS and contact candidate for phone interview. They use the interview questionnaire prepared for this purpose and record responses. When necessary, memoranda are prepared for Bill summarizing various issues.
- Attorneys meet daily with Bill to discuss all candidates on whom they have completed the interview process and follow up on particular issues with candidates as he instructs.
- Final clearance procedures for SES candidates are discussed above in Section B. Bill handles all further clearance work on PAS and PA candidates.

**LEXIS/NEXIS RESEARCH
WHITE HOUSE COUNSEL**

CANDIDATE: _____

POSITION: _____

RESEARCHER: _____

DATE: _____

NEXIS

CITES

.fu

.vk90

.vk50

.vk

Name: _____

and not: _____

+ Jobs: _____

+ Scandal: _____

+ Byline: _____

+ Hlead: _____

+ Rnt Date: _____

Additional Searches:

Search: _____

Search: _____

GENFED/MEGA

Name: _____

Search: _____

ADDITIONAL DATABASES

DATABASE: _____

Search: _____

MEMORANDUM

TO: Craig Livingstone
FROM: Harold Ickes
DATE: 21 June 1994
RE: Security video

Craig, on Saturday 18 June I watched the White House security briefing video provided to me by your office.

Please notify me of the status of my security clearance.

Non-responsive

June 21, 1996
Clinger FBI
Request.

Harold Ickes

*For S. Berger
From Dan Doneman*

*Livingstone, Craig
- working*

THE WHITE HOUSE
WASHINGTON

October 20, 1994

Excellency:

I wish to confirm to you that I will use the full powers of my office to facilitate arrangements for the financing and construction of a light-water nuclear power reactor project within the DPRK, and the funding and implementation of interim energy alternatives for the Democratic People's Republic of Korea pending completion of the first reactor unit of the light-water reactor project. In addition, in the event that this reactor project is not completed for reasons beyond the control of the DPRK, I will use the full powers of my office to provide, to the extent necessary, such a project from the United States, subject to approval of the U.S. Congress. Similarly, in the event that the interim energy alternatives are not provided for reasons beyond the control of the DPRK, I will use the full powers of my office to provide, to the extent necessary, such interim energy alternatives from the United States, subject to the approval of the U.S. Congress.

I will follow this course of action so long as the DPRK continues to implement the policies described in the Agreed Framework Between the United States of America and the Democratic People's Republic of Korea.

Sincerely,

Rice Clinton

His Excellency Kim Jong Il
Supreme Leader of the
Democratic People's Republic of Korea
Pyongyang

*10/27/94 8:05pm
Craig Livingstone
brought this
over to point out
security breach
& danger thereto.*

T.

FAX REPAIRS
EXECUTIVE OFFICE OF THE PRESIDENT
WHITE HOUSE OFFICE
ROOM ONE, OEOP

070253
RESUMIX
COPY
from ORM

Date:	Contact:	Phone Number:
5/12	Mari Anderson	202-456-2345
Location:		
Rm 84, OEOP		
Model:	P.O. Number:	
XEROX 7020	W2B014	
Problem:		
Fax says Clean Lens. & won't fax after cleaning lens.		

Date:	Contact:	Phone Number:
5/16/94	Doug Sheen	202-456-2966
Location:		
FPO Rm 121		
Model:	P.O. Number:	
7030	W2B014	
Problem:		
not working properly.		

Date:	Contact:	Phone Number:
		202-456 -
Location:		
Model:	P.O. Number:	
	W2B014	
Problem:		

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001a. resume	Mari Anderson. (1 page)	00/00/0000	b(6)

COLLECTION:

Clinton Presidential Records
Counsel Office

OA/Box Number: CF 670

FOLDER TITLE:

June 21, 1996 Clinger-Ickes - Privileged - Non-Responsive [1]

2006-1066-F

vz3536

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001b. form	Presidential Transition Resume Routing Form. (1 page)	00/00/0000	b(6)

COLLECTION:

Clinton Presidential Records
Counsel Office

OA/Box Number: CF 670

FOLDER TITLE:

June 21, 1996 Clinger-Ickes - Privileged - Non-Responsive [1]

2006-1066-F

vz3536

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