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Closing of OPP (Office of Policy and Planning) Counsel's Office/Transfer of Vetting Process

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THE WHITE HOUSE
WASHINGTON

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2006-1066-F

Privileged and Confidential

September 15, 1993

MEMORANDUM TO: BRUCE R. LINDSEY, Director of the Office of Presidential
Personnel (OPP)
WILLIAM H. KENNEDY, Associate Counsel to the President

FROM: ALICE J. SMITH, Associate Counsel, Counsel's Office, OPP
JENNIFER P. CLASBY, Associate Counsel, Counsel's Office, OPP

SUBJECT: CLOSING OF OPP COUNSEL'S OFFICE/
TRANSFER OF VETTING PROCESS

This memorandum identifies issues that need to be resolved as we prepare for the closing of the Counsel's Office of the OPP at the end of this month and the transfer of all or some of the office's public record and other vetting functions to the Office of the Counsel to the President (White House Counsel or WHC). In an addendum contained in this notebook, we also have described our current public record and interview vetting procedures. We hope that this information will be useful to you in making decisions about staffing and the level of vetting that will be possible in the future, particularly given the constraints of reduced personnel.¹

ISSUES TO RESOLVE

1. WILL PUBLIC RECORD VETTING CONTINUE AT ALL? IF SO, WILL IT BE PERFORMED BY OPP OR WHITE HOUSE COUNSEL? BY WHICH STAFF MEMBERS?

Current Staffing. As background for deciding these matters, please be aware that we currently have 7 staff members and one legal intern, who is working

¹ These procedures have evolved since Transition and reflect changes required due to staff downsizing, quantity of vets requested, standardization of the process and other concerns that have arisen during the past ten months.

pro bono until September 30.² These 8 individuals perform all public record vetting, which includes researching, writing, reviewing drafts, tracking of the vets, and administrative preparation of the final products that you receive.³ Over time, we have abbreviated (by necessity) much of the vetting research, particularly for SES candidates, and our three non-attorney researchers also draft vetting memoranda for attorney review. Until approximately August, they were able to focus exclusively on research.

Volume of Public Record Vet Requests. The volume of requests for written public record vets from this office remains high. Since August 31, we have received 115 names to vet. Since September 1, we have delivered 58 written vets, 17 of which had been requested in late August. The quantity of vets produced varies, according to the level of the positions, the complexity of the research (i.e. articles to review, number of issues to describe, etc.), and time availability of the two remaining supervising attorneys to review research files and all of the draft vets for quality and completeness. (Attorney time for this review process has varied considerably in the last month, depending on the number of candidate interviews in progress, meetings, responses to information requests, and other management matters.)

2. HOW AND WHO WILL CONTINUE THE TELEPHONE INTERVIEW SCREENING OF CANDIDATES?

Alice and Jenny are currently reviewing all Personal Data Statements (PDS) returned by high level SES candidates (generally Deputy Assistant Secretary, or equivalent level, and above) and interviewing those individuals. We also review PA and PAS candidates forms provided to us by Edgar Bueno in WHC and interview those candidates. We meet daily with Bill Kennedy to discuss the results of the interviews. We also follow-up with candidates regarding issues on which more information is required (i.e. details of lawsuits, payment of taxes, candidates' publications that we have not been able to obtain from a public record search), and prepare memoranda on particular issues when requested by Bill.

² Peter Pappas is also on the OPP staff, but has been working under the direction of WHC.

³ Current staff members are: Alice Smith (Associate Attorney); Jenny Clasby (Associate Attorney); Lynn Jennings (Associate Attorney/Administrative Assistant); Jonathan Kopp (Law Clerk/writer); Natalie Markman (Pro bono Legal Intern/writer; recently graduated soon-to-be attorney); Dina Kaplan (Researcher, now also writer); David Rosenberg (same); and Julie Kaminkow (same).

Current SES Candidate Interview Volume. Since August 1, we have received PDS forms from 74 SES candidates. We have cleared 50 SES candidates since Aug. 1, following interviews and/or reviews of their forms. There are ten candidates who have returned forms and are now waiting in the interview "queue." Twenty-seven candidates have been sent forms, but have not yet returned them. A few candidates have been interviewed, but we are waiting for additional information from them before we can send them out of the "pipeline."

NOTE: Since the beginning of July, lower level SES candidates have not been requested to complete PDS forms, nor have they been interviewed, unless they were non-career SES positions at Justice, State, Defense or other sensitive agencies or unless there was a particular known issue on a candidate. Low level SES candidates do receive an FBI name check and a tax check, handled through WHC, and an abbreviated "scandal" public record search, performed by our office. (See Memorandum from W.H. Kennedy and J.P. Carey re "Proposed Future Vetting Procedures for Non-Career SES Candidates," dated July 1, 1993, contained in this notebook).

Current PA/PAS Candidate Interview Volume. As our office has not been responsible for tracking the numbers of PA and PAS interviews, we do not have precise information on the number of such candidates whom we have interviewed and discussed with Bill. A rough average estimate of the number of PA/PAS interviews conducted by us in the month of August (when Sara Cavendish was also available to interview) is 45-50 candidates.⁴ Approximately 25 PA/PAS candidates, who have returned PDS forms, are in line for interviews. Edgar has also sent out 27 form packets to candidates that have not been returned. He continues to send these daily

3. WHO, HOW AND WHEN WILL PERSONNEL IN WHITE HOUSE COUNSEL'S OFFICE BE TRAINED REGARDING ANY ASPECTS OF THE VETTING PROCESS, PUBLIC RECORD OR OTHERWISE, THAT THEY WILL ASSUME FROM OPP?

We strongly suggest that if any of the public record vetting and SES candidate interviews will be performed by WHC staff members after September 30, they should be identified and should spend some time in our office in the next two weeks learning the procedures and the very important coordination/tracking that must occur between OPP Administration and WHC on such vetting. Assuming that the current volume of requests for written public record vets

⁴ This estimate does not include the candidates whom Peter Pappas interviewed and reported on to Bill separately.

continues, even for a limited period, you would likely need to designate, at a minimum, two individuals as researchers and two attorneys as drafters/reviewers. The non-attorney researchers could write during any down periods from researching, with their work products reviewed by the attorneys. If a written work product is not required, then two non-attorney researchers could perform abbreviated LEXIS/NEXIS research, printing any significant information, and highlighting it for an attorney to review. Attorney(s) should make the judgment calls on cases in which candidates have been mentioned, or have represented clients, and on any legal publications they have written. Having the researchers provide the research directly to you in raw form - as opposed to summarizing it in a written vet - will, of course, generate much more paper to review, but would reduce the number of staff members required for vet preparation.

4. **WHAT SHOULD WE DO WITH CONFIDENTIAL DOCUMENTS, INCLUDING ALL VET COPIES, RESEARCH FILES, SES INTERVIEW FILES, COMPUTER FILES, ATTORNEY LEGAL MEMORANDA, AND ADMINISTRATIVE FILES?**

The bulk of this material probably should remain under WHC control and protection for the immediate future. When access to the research and/or vets is no longer needed, the files should be labeled properly to preserve attorney work product and attorney/client (or other) privileges and confidentiality, and stored with Records Management. Some method for OPP to maintain access to the public record vets and background material should also be established. We have often been asked for a copy of a vet, for some information/documents out of the research file, or to update a candidate some time after the vets had been distributed. Whoever will become the point person for managing the documents from this office should come for a complete tour before the end of this month.

5. **TO WHOM SHALL WE CONVEY INFORMATION ON OUTSTANDING ISSUES, DOCUMENTS, ETC. THAT INTERVIEWED CANDIDATES STILL OWE US BEFORE WE CAN PROCEED WITH THEIR WHITE HOUSE CLEARANCES?**

In addition to written information that will continue to arrive, candidates in the interview process call us quite regularly with follow-up information and questions. We should determine who will be the point person for those calls after our office closes.

6. **HOW SHOULD ALL FUTURE LEGAL QUESTIONS DIRECTED TO OUR OFFICE BE HANDLED?**

The number of such questions has decreased since August, but previously OPP Counsel's Office did answer and/or prepare memoranda on various legal issues such as removal of particular appointees, Vacancy Act questions and some federal pay issues. (All such written memoranda have been provided to Bruce Lindsey and to WHC). We propose that if we receive legal questions related to the appointment process in our remaining few weeks, the individuals should be referred to WHC for advice.

The following section in this notebook describes the vetting procedures. The additional sections include previous memoranda on vetting proposals prepared by John Carey, samples of the research checksheets currently in use, and other internal memoranda prepared on administrative and research procedures.

cc: Bernard Nussbaum
John Emerson
Jan Piercy
Antonella Pianalto

VETTING PROCEDURES

Clinton Presidential Records Digital Records Marker

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Procedures

Divider Title: _____

THE WHITE HOUSE
WASHINGTON

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September 16, 1993

ADDENDUM

DETERMINED TO BE AN
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INITIALS: JAM DATE: 2/10/15
2006-1066-F

VETTING PROCEDURES

The Counsel's Office of the Office of Presidential Personnel is responsible for conducting public record research on potential candidates for federal appointments, preparing confidential memoranda ("vets") based on the research, and assisting the Office of the Counsel to the President (White House Counsel or WHC) in interviewing PAS, PA and SES candidates before they may receive WHC clearance. A short overview of the process follows. After the Overview, this memorandum describes, in detail, the administrative, research, writing, and interviewing procedures currently used by OPP Counsel's Office in vetting.

A. OVERVIEW

Candidate names for public record vetting come into the OPP Counsel's Office from OPP Administration, although we have often received requests to prepare public record vets directly from Associate Directors and their Search Managers. The Administrative Assistant (AA) receives the names and logs them into various records described below, provides the names to the researchers with the level of the positions, and provides the attorney supervising the vetting with the names. The AA also sends Personal Data Statement (PDS) forms to high level SES candidates on whom we have received a "start memo" from OPP Administration, keeps track of those forms when they are returned and makes copies for WHC.

Researchers perform public record research. The extent of the search varies according to level of position, or in some cases, on special instructions from attorneys. Researchers give the completed research file to the supervising attorney for distribution to one of the writers. When the staff was larger, all writing was performed by attorneys or legal interns under attorney supervision. Currently, researchers, legal interns and the attorney/AA share initial drafting. The supervising attorney reviews the research file, discusses any additional research needed with the drafter and edits the vet. After the supervising attorney is satisfied with the vet, the other attorney provides a "second read" but does not review the entire file.

The supervising attorney determines whether the vet contains "issues" or "no-issues." The AA groups and prepares appropriate cover memoranda for the final vets depending on this designation. The AA prepares copies and distributes vets according to distribution lists described in detail below. Distribution depends on whether there are issues and, in certain cases, the type of position (e.g. U.S. Attorney vets also go to Kevin O'Keefe).

Attorneys interview high level SES candidates after completed PDS forms arrive and discuss interviews with Bill Kennedy who determines whether to clear candidates.¹ OPP Counsel's Office prepares the memorandum for OPP Administration on SES candidates who have been cleared. As of September, Bill Kennedy also signs this memorandum. Attorneys also interview PA and PAS candidates whose files are provided by WHC. The attorneys report to Bill on the interviews. The remainder of the PA/PAS clearance process is conducted through WHC, including preparation of clearance memoranda to OPP. Low level SES candidates do not complete PDS forms, nor are they interviewed (see Section E below). WHC does request an FBI name check and a tax check.

B. ADMINISTRATIVE PROCEDURES

The following procedures are performed by the AA in the OPP Counsel's Office.

Receipt of Names for Public Record Vetting

- Receive SES names with "start memorandum" from OPP 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.
- Receive PA/PAS names from Julie Anderson, OPP. If no resume is available, request from Resumix (or researchers can do this). Names may occasionally come from other sources such as Associate Directors.
- Log names in three places: Clipboard tracking log (all names); AA's desk log (all names), and the High SES candidate log.

¹ Prior to John Carey's departure as head of the OPP Counsel's Office, we discussed SES interviews with him, and he cleared the candidates if there were no significant issues to bring to the attention of WHC.

- Notify supervising attorneys when names arrive. Work with them to determine High and Low SES candidates and who will do initial drafting. In corner of start memorandum, write supervising attorney's name, researcher and writer (if that is determined before research is complete).
- Distribute copies of start memoranda and resumes to researchers, attorneys and writers as designated.
- File start memoranda in "Nominations Approved" folder.
- For low level SES candidates, hold names for at least one week. This gives WHC time to start FBI name check and the tax check (Edgar Bueno handles this when he receives start memo from Antonella). Researchers will report to supervising attorney on abbreviated "scandal" search on these candidates. Supervising attorney will prepare one page public record search report on Low SES candidates stating that no issues were found on the named individuals. If issues are found, regular defensive vets are prepared (see section on Writing Vets below).

Sending/Receiving of SES Personal Data Statement Packets

- No forms are sent by OPP Counsel's Office until we receive the start memorandum with instructions from Antonella.
- Note on SES log when forms were sent.
- When completed forms are returned, log in date received.
- Check that all signed required documents (e.g. releases and waivers) are present. If not, call the candidate and request the missing documents.
- Copy PDS for files and place in the "To Be Interviewed" section of file drawer for attorneys. Make sure attorneys are aware when interview files are ready.
- Give original PDS forms to Edgar in WHC.

Preparation/Distribution of Final Public Record Vets

- When vet is ready to be distributed, supervising attorney and/or the writer will give it to AA with file on disk. Attorney will determine

whether it is an "issues" or "non-issues" vet. Vets generally are delivered by approximately 6 p.m. each day.

- AA spell checks vet and conforms it for style (e.g. margins, etc., if not previously done).
- Prepare appropriate cover memorandum, depending on whether there are issues or not. Cover memorandum highlights, in one sentence, whether the attached vets contain issues for review. As much as possible, all candidates for a particular agency are grouped together under a single memorandum (e.g. create one "no-issues" memorandum for all candidates who fall in that category for Justice Department).
- Distribution: Vets containing sensitive issues are distributed to Bruce Lindsey, Bill Kennedy, John Emerson, Jan Piercy (copy to Antonella), Vet Chron file, Regular Chron file, and alphabetical Vet notebooks. All vets, with or without issues, are distributed to John Emerson, Jan Piercy (copy to Antonella), Vet Chron, Regular Chron file, and Vet notebooks. NOTE: Vets without any issues do not go to Bruce or Bill. All U.S. Attorney vets are distributed to Bill Kennedy, Kevin O'Keefe, John Emerson, the Vet Chron, the Regular Chron file, and the Vet notebooks. There is a separate cover memorandum for U.S. Attorney vets.
- Supervising attorney will prepare the one page memorandum on Low SES candidates on whom no issues were discovered in an abbreviated "scandal" search. (See Research Procedures Section below). Distribution is the same as for other no-issue vets above.
- Note date that vets are delivered on the clipboard and all other logs.
- 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 should be updated once a week. Antonella receives a new copy each time one is run.
- Research files used in preparation of vets will be placed in the "To Be Filed" box by writers. AA labels and files each week, time permitting.

SES Clearances

- After attorneys report that Bill Kennedy has cleared any high level SES candidates, AA prepares an SES clearance memorandum listing the names of the cleared candidates. This is signed by both the supervising attorney in OPP Counsel's Office and by Bill Kennedy.
- Be sure public record vet has already been delivered. Sometimes an SES candidate has been interviewed before the public record vet was completed, but then the public record revealed some issues. If this occurs, AA should check with attorney to be sure that the SES clearance memorandum is still appropriate to send. The attorney may need to check with Bill Kennedy and Bruce Lindsey again regarding the candidate's appointment.
- SES clearance memoranda should be delivered to Antonella on top of her copies of the vets. Copies also go to Doug Sheorn in OPP and to Bill Kennedy.
- File SES clearance memoranda in Chron file.

Other Tasks

The AA also answers numerous inquiries from callers, particularly the "where is Mr./Ms. X in the process." The AA also maintains files of blank SES and PA/PAS interview forms, answers phones and handles most facilities/operations matters. The AA also drafts some preliminary public record vets.

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.

The researchers maintain their own log 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).

When the research is complete, the file is given to the supervising attorney or the designated writer. Recently, the researchers have taken on responsibility for much of the writing when the legal interns were also busy writing.

1. 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 the supervising 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 collect information on names both at the Library of Congress (LOC) 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

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.²

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 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

² 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.

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

Initial vet drafters review the research file with the researcher involved and request additional information where necessary. Drafters then generally prepare what are termed "Defensive Vets," which highlight any issues or potential controversies found in the public record search. The vet includes a short initial summary of the candidate's background. When requested by Bruce Lindsey, or deemed necessary by the supervising attorney, the writer will discuss relevant articles written by a candidate.

The writer provides the research file and draft vet to the supervising attorney. The attorney reviews the entire file and edits the draft. The supervising attorney may request additional information at this point.

The writer revises the draft according to the attorney's edits. The non-supervising attorney then performs a "second read," and the final version is given to the AA for distribution and filing. Sample vets may be reviewed in the Vet notebooks currently in Counsel's Office, OPP.

Low level SES candidates without issues are listed in a single memorandum that states that no issues were found on those individuals in the limited public record search.

E. CANDIDATE INTERVIEWING

Two Associate Attorneys interview high level SES candidates using the form prepared by WHC. We are also currently interviewing the bulk of the PA/PAS candidates. Each day, the attorneys meet with Bill Kennedy to review these candidates and any issues raised in the interviews. Attorneys perform follow-up interviews with candidates and also prepare memoranda on particular issues when requested by Bill.

WHC decides when candidates may be cleared. We prepare the memorandum to OPP on SES candidates who are cleared and maintain their interview files. WHC informs OPP when PA/PAS candidates clear and maintains their files. As mentioned, low level SES candidates do not complete PDS forms and are not interviewed. (See Memorandum from W.H. Kennedy and J.P. Carey re "Proposed Future Vetting Procedures for Non-Career SES Candidates, dated July 1, 1993, contained in this notebook). Low level SES names are held in OPP Counsel's Office for approximately one week to permit results of the brief FBI name check to be received by WHC. If no issues are found in an abbreviated "scandal" search, the names will be released to OPP Administration as cleared.

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Attachment 1

Divider Title: _____

August ¹⁹~~20~~, 1993

MEMORANDUM FOR WILLIAM KENNEDY, JOHN EMERSON, JAN PIERCY
ANTONELLA PIANALTO, KEVIN O'KEEFE

FROM: JOHN P. CAREY

SUBJECT: ALTERNATIVES FOR FUTURE VETTING

In thinking about today's meeting and possible alternatives toward vetting the individual candidates we may want to consider the following proposal:

All PAS and PA candidates:

For all PAS and PA candidates, White House Counsel and OPP will require a (1) Public Record Vet, (2) Completion of White House Forms (PDS, SF 86, SF 278, Ethics Pledge, Tax Check and FBI Waivers, etc.) and review of same, and (3) Interview.

All SES Candidates:

For all SES candidates, White House Counsel and OPP will require a (1) Quick "Scandal Search" on omni Lexis (abbreviated public record vet) with issues reviewed orally with Counsel, (2) Completion of a modified PDS questionnaire (including questions covered in normal PDS interview) and review of same, and (3) FBI name check and Tax check. No interviews would be performed by Counsel unless issues appear in responses to questionnaire.¹

Although this is not an ideal proposal for SES candidates, between the quick scandal searches and the completion of a modified PDS delivered to the White House, this may be the best alternative given the budget limitations.

Let's discuss. In the meantime I will assemble a list of possible agency "vetters" if this proposal proves unworkable.

¹ This proposal also assumes that the agencies are informed about the Administration's position on correcting household help issues.

July 1, 1993

MEMORANDUM FOR BRUCE LINDSEY and BERNARD NUSSBAUM

FROM: WILLIAM H. KENNEDY AND JOHN P. CAREY

SUBJECT: PROPOSED FUTURE VETTING PROCEDURES FOR
NON-CAREER SES CANDIDATES

Given the volume of non-career Senior Executive Service ("SES") positions that remain to be filled, we need to examine more closely the level of review and screening done by the Office of Presidential Personnel ("OPP") and the White House Counsel's Office ("WHCO") of candidates considered for these positions.

Keeping in mind the conflicting goals of protecting the President and the Administration from potential embarrassment from ill advised appointments and meeting previously established budgets for both OPP and the WHCO, we propose the following two-tiered level of review, dependant on type of SES position to be filled:

1. For all Deputy Assistant Secretary or equivalent non-career SES first-tier equivalent positions, top SES attorney positions (deputy general counsels), and all non-career SES Justice, State, DOD and related agencies (AID, USIA etc.) positions both offices will continue the vetting operation which includes: (a) public record screening vet (looking for major scandals etc.), (b) FBI name check and Tax check, and (c) PDS completion and interview ("full background review")
2. For all other non-sensitive SES positions¹ the following clearance will be undertaken: (a) FBI name check and (b) public record screening vet ("abbreviated background review"). The completion of the PDS and interview would be omitted for candidates for these positions. However, the particular agencies involved will be reminded by OPP that further review and investigation consistent with

¹ Subject to exceptions on a case-by-case basis where the magnitude of the job may require further investigation.

the agencies ethics requirements or other agency regulations must be undertaken before the individual can be placed in the position.

Where questions arise regarding the type of clearance to be undertaken ("full background review" or "abbreviated background review"), those determinations will be made in joint consultation between OPP and WHCO.

We plan to put this new system into effect starting July 6, 1993. If you have any questions or concerns regarding this proposal please let either of us know.

Thank you.

cc: Vince Foster
John Emerson
Jan Piercy
Antonella Pianalto

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Attachment 2

Divider Title: _____

Researcher's
Checksheet ①

..... LEXIS/NEXIS Searches Performed for Appointment Candidates

Candidate: _____

Position: _____

Attorney: _____

Researcher: _____

Database

Cites

.fu .kw

I. NEXIS/OMNI

Search: _____

Search: _____

Search: _____

II. GENFED/MEGA

Search: _____

Search: _____

III. Candidate's area of expertise: _____

/_____
Lib./File/Search _____

/_____
Lib./File/Search _____

/_____
Lib./File Search _____

****If LAWYER,
LAWREV/ALLREV
MARHUB/ALLDIR**

****If CONGRESSIONAL STAFFER, check Almanac of the Unelected (3rd floor library)**

SEARCHES PERFORMED BY RESEARCHERS
AT LIBRARY OF CONGRESS

Candidate: _____

Attorney: _____

Researcher: _____

DATABASE

SEARCH COMPLETED? # CITES

Any Building:

LOCI	_____	_____
BIBL	_____	_____
MAGS	_____	_____

Madison Building:

GPO	_____	_____
BPO	_____	_____
INFOTRAC	_____	_____
LEGALTRAC	_____	_____

Jefferson Building:

PAIS	_____	_____
SOCIAL SCIENCE	_____	_____
BIOGRAPHY	_____	_____
ERIC	_____	_____
HUMANITIES	_____	_____

Adams Building:

BUSINESS CD ROM (if relevant)	_____	_____
SCIENCE CD ROM (if relevant)	_____	_____

OTHER:

Researcher's Checksheet 3

U.S. ATTORNEY/U.S. MARSHAL SEARCHES PERFORMED BY RESEARCHERS

Candidate: _____
Attorney: _____
Researcher: _____

DATABASE	SEARCH COMPLETED	# CITES
NEXIS/OMNI*	_____	_____
GENFED/MEGA (PRINTOUT SYLLABUS OR VK 60)	_____	_____
VERDCT/ATLA AND SHEPJV	_____	_____
DOCKET (IF FROM NY, PA OR CA)	_____	_____
LAWREV/ALLREV+	_____	_____
LEGIS/ALLLEG	_____	_____
COMPNY/COMPNT	_____	_____
ETHICS/OMNI	_____	_____
BKRTCY/CASES (BANKRUPTCY)	_____	_____
INDIV. STATE LEGAL LIBRARY+	_____	_____
MARTINDALE HUBBEL/ALDIR+	_____	_____
PEOPLE/ALLBIO	_____	_____

CANDIDATE'S AREA OF EXPERTISE: (E.G., BANKING, CORP., FEDCOM, EMPLOY, ESTATE, ENV, FAMILY INSRLW, LABOR, M&A, PUBCON, TAX, BANKS)

_____	_____	_____
_____	_____	_____
_____	_____	_____

DEOB LIBRARY	SEARCH COMPLETED	# CITES
SOURCE		
NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE	_____	_____
LOCAL PAPER IF NOT ON NEXIS*	_____	_____

OTHER: _____

STATE BAR ASSOCIATION

VERIFY IN GOOD STANDING AND NEVER REPRIMANDED IN EVERY STATE HAS PRACTICED _____

LIBRARIAN ASSISTED SEARCHES:

NOTE TO ATTORNEYS: PLEASE REVIEW THESE SEARCHES CAREFULLY. IF YOU FEEL THE NEED FOR MORE RESEARCH, PLEASE REFER TO THE LEXIS GUIDE AND INDICATE SPECIFIC DATABASES.

I HAVE FOUND ALL RESEARCH TO BE COMPLETED (PLEASE INITIAL) _____

PLEASE PERFORM THE FOLLOWING SEARCHES:

*IF APPROPRIATE, SEARCH FOR LAW FIRM AS WELL AS CANDIDATE'S NAME
+SEARCH ONLY IF CANDIDATE IS AN ATTORNEY

Clinton Presidential Records Digital Records Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of a tabbed divider. Given our digitization capabilities, we are sometimes unable to adequately scan such dividers. The title from the original document is indicated below.

Attachment 3

Divider Title: _____

*Administrative
Assistant
Duties*

INCOMING FROM:

SES -- Doug Sheorn (usually has resume)
PA/PAS -- Brian Thompson (usually without resume)

LOG NAMES ONTO THREE LOGS:

1. Clipboard log
2. Desk log
3. High SES log (High SES = National Security Issues, Justice, General Counsel, other agencies, DAS or above).
4. Low SES, hold for one week (low memo JPC Directory -- SES.OK).
Low SES -- non national security or justice related positions, DAS or below).

GOES TO:

Researchers (start memo and resume) ** but if it's an SES check to see if the
vet's already been done before giving it to the researcher **

Attorneys (start memo)

File (Nominations approved file)

DISTRIBUTION TO:

Distribution of Vets:

John Emerson
Jan Piercy (Antonella)
Vet Chron
Chron
Notebook

Distribution of Vets with Issues:

Bruce Lindsey
Bill Kennedy
John Emerson
Jan Piercy (Antonella)
Vet Chron
Chron
Notebook

Distribution of US Attorney Vets

Bill Kennedy
Kevin O'Keefe
John Emerson
Vet Chron
Chron
Notebook

COVER MEMO INFORMATION:

Cover Memos for vets are stored under JPC Directory (defvet.ok, defesive.no and fullvet.ok). Make sure that you know if the vet has issues or not.

Cover Memos for US Attorney is stored under JW Directory (cover.aty).

The index for the notebook is stored under TD Directory (Fullvest.lis) ** UPDATE AT THE END OF EVERY DAY ** Send Antonella a copy of the index when one is run for the notebook. There should be an update once a week.

SES Clearance Memo stored under JT Directory (Pianalto.mem). Copies go to Antonella, Bill Kennedy, in the brown folder on desk, and the Chron file.

SES Interview Sheet stored under JT Directory (Interview.sht)

SES-low memo (JPC Directory) SES.OK

SENDING FORMS

Interagency -- Red Tag the forms in a WH manila envelope and send it from room 54.

General Public -- Fedex forms, get form from Room one but send from room 54.
RED TAG --

Room 1 get Fed Ex forms for Air Delivery.

MISCELLANEOUS

** Copy vets into hard drive at desk daily and then copy onto main hard drive at the end of the week. Vets are stored in C:\work\wp51\vet\

** SES clearance files go to Antonella on the top.

**** Make sure Ted Wentzel indicates if the position is a PA or PAS.**

**** Doublecheck incoming SES forms to see if they have all the relevant information and documents. Give the originals to Edgar and keep a copy for our files. When the vet is completed and the SES forms come back, put it in the "TO BE INTERVIEWED FILE".**

Daily

Incoming vets:

Check to See if person has already been vetted
Establish Low or High Level SES
Make notations on start memo
Give Start memo with resume to researchers
Give copy of start memo to attorney in charge
Send out SES Packet if High Level SES--Red Dot if to Agency, Federal Express if to
home address (Fedex forms in room 1)
Enter Names in various logs--Clip board, my log, High level SES log
File final copy of Start memo in Nominations Approved file

Outgoing Vets:

Try to Assemble vets from the same agency or board to go out on one memo.
(You have to use your judgement on this. Try not to hold vets waiting for their
siblings for more than a couple of days.)
Cover memos for vets are stored in JPC directory. (defvet.ok, defensiv.no,
fullvet.ok)
Cover memo for US Attorney vets stored in JW directory (cover.aty)
For low-level SES, memo is stored in JPC directory (SES.ok)
List name and position in index, stored in TD directory (fullvet.lis)

SES Clearance memos/tracking:

When start memo comes in for candidate record in log.
When candidate forms come in make sure all needed forms are included in packet.
Separate unused questionnaire and ethics guidelines from packet, make copy.
Put folder with name and position in front of file cabinet.

SES Clearance memo is stored in JT directory (Pianalto.mem)

Weekly (Periodically)

Print index, replace index in binder, send copy to Antonella.
Make files for candidates vetted, file in research files cabinets
(Brown folders, two hole punch)
Fill out forms for annual/sick leave

Distribution of Vets:

John Emerson
Jan Piercy (Antonella)
Vet Chron
Chron
Notebook

Distribution of Vets With Issues:

Bruce Lindsey
Bill Kennedy
John Emerson
Jan Piercy (Antonella)
Vet Chron
Chron
Notebook

Distribution of US Attorney and US Marshal Vets:

Bill Kennedy
Kevin O'Keefe
John Emerson
Vet Chron
Chron
Notebook

Cover Memos for vets stored under JPC Directory (defvet.ok, defensive.no and fullvet.ok) **Make sure John tells you if the vet has issues or not**

Cover Memos for US Attorney and US Marshals stored under JW Directory (cover.aty, cover.mar)

The index for the notebook is stored under TD Directory (Fullvest.lis)

Send Antonella a copy of the index when you run one for the notebook

The index for the files is stored under TD Directory (Master.lst)

SES Clearance Memo stored under JT Directory (Pianalto.mem). Copies go to Antonella, Bill Kennedy, Sara and Chron file.

SES Interview Sheet stored under JT Directory (Interview.sht)

SES - low memo (JPC Directory) SES. O/K
(Hold for 1 week)

The Official Vettters' Guide to the Library of Congress

The Library of Congress (L.O.C.) is housed in three buildings: Madison, Jefferson, and Adams. The hours of the library are as follows: Monday, Wednesday, Thursday (8:30 am-9:30 pm), Tuesday, Friday, Saturday (8:30am- 5:00pm). The L.O.C. is closed on Sundays through Labor Day.

INTRODUCTION

There are some general instructions you should keep in mind when using the Library of Congress.

*It usually takes 40-90 minutes to get a book once you put in a request for it. so you should plan accordingly when conducting research (i.e. don't wait until the end to request books, because you will have to wait another hour before they come.)

*Confidentiality is paramount while conducting research in public facilities such as the Library of Congress! You should never leave your papers unattended on desks, and all call slips should be brought back to the office and disposed of here. Furthermore, when you finish searching on the databases, be sure to clear out you search terms, by exiting the file or restarting it.

*On Tuesdays and Fridays, when the library closes at 5:00, all requests for materials from the stacks must be in by 4:00.

*It is advantageous to get a Library Card. The card will allow you to request books with only your I.D. number and a photo I.D. instead of having to fill out a full mailing address on each book request slip. (This is a serious time saver!). You can request a card at the Adams or Jefferson reading rooms.

*Make sure that you have an L.O.C. copy card with you before setting out to the Library. (Personal reimbursements are just about impossible to get!)

*Be sure to take copies of resumes of candidates to the library, when possible. This way you will be able to check for publications listed on the resume, and will also be better able to distinguish your candidate's writings from other authors with the same name.

*If you want great lunch while waiting for your requested books to come up. Le Bon Cafe comes highly recommended by the Zagat's guide. A little pricey but well worth it. There is also a pretty good cafeteria on the 6th floor of the Madison Building with a nice view.

*As a quick reminder, the only floors at the L.O.C. that you will need to visit are 1st floor in Jefferson, 1st and 2nd floors in Madison, and 5th floor in Adams. The tunnels that connect the building are located on the C level of the Jefferson and Adams Buildings and the Ground level of the Madison Building.

Following is a brief description of the resources available at the L.O.C. with a brief description and helpful hints on using them.

- I. **The Jefferson Building** - The Jefferson Building is the easiest place to start when conducting research at the Library of Congress. Resources in the Jefferson Building are on the 1st floor. In the main reading room are the CD-Roms and, across the hall, in the Computer Center are the Scorpio and Access systems. Photocopiers are located through Alcove 7 of the Main Reading Room.

A. THE CD-ROMs - The CD-Roms are located in the Main Reading Room of the Jefferson Building, one in each of about a dozen alcoves that circle the room. This system is useful in giving you cites for articles and testimony written by or about your subject. The cites that the system prints out contain only the bibliographic information and to locate the source in the L.O.C. you will need to use one of the card catalog systems in the Computer Center of the Library.

1. **Biography** - This database contains articles from scholarly sources that profile individuals. Very few of our assignments will be listed in this system, although it only takes a couple of minutes to run the names through, so just do it!

2. **Congressional Masterfile** - This file is a database of Congressional testimony from way back. The file is divided into Congressional Masterfile I and II. It is only necessary to check Masterfile II, although be sure that you check both discs of Masterfile II (1970-1982) and (1983-present). Names should be entered in the format last name, first name. There are a few choices for printing formats on this file, so read through and decide which one is best for your needs. (FYI- Congressional testimony can be retrieved at the New Executive Office Building or in hard copy located in Deck 46 of the Main Reading Room)

will search
CvA to DOS (y)
to the main
CvA
will search up for
the Human Resources
Social
Security
Chapman sets
of C/S databases
brochure is available
master file
bibliographic
testimony

3. **ERIC** - ERIC is the education database. It contains sources focused on education, but it crosses into other areas such as civil rights, public finance, etc. so you may want to run this search even if your names are not directly involved in education issues.

4. **Humanities** - This database is another of those totally scholarly ones, with sources like Daedalus, and other artsy journals. We rarely come up with anything, but it doesn't take long to run the names, so why not.

5. **PAIS** - The PA in PAIS stands for Public Affairs, and this database contains scholarly journals concerning public policy, international affairs, etc. etc. We run all names through this system, but don't be surprised if yours don't show up.

6. **Social Sciences** - This database is similar to PAIS although the sources indexed are slightly more "touchy-feely" and scientific. Again, don't be surprised if your names do not show up.

B. ACCESS/SCORPIO/GUIDE TO PERIODICALS - Now that you have cites for a handful of interesting looking articles, you will need to use the Library's own databases in the Computer Center, located across the hall from the Main Reading Room to locate them.

1. **Access** - Access is the user-friendly card catalog for the L.O.C. Entries are filed by author, title and subject, although for our purposes we usually do an author search only. In addition, the Access system can give you call numbers for periodical sources you found through the CD-Roms. Note that the Access system does not contain all the periodicals housed at the L.O.C. You may need to consult with a librarian for more obscure or out of print periodicals.

2. **Scorpio** - Scorpio is the office name for the user-unfriendly, but easy to use with a little training computer system that contains the library's databases for books, periodicals and magazines. This system is much more complete than the Access system and once you become familiar with it, there is no need to use Access. On Scorpio, LOCI is the file for books, BIBL is the public policy literature and MAGS are the periodicals. (The Mags file is divided into three sections, so be sure that you are checking all three!) For both LOCI and MAGS, the system will usually give you library's call number which you can use to locate the source. For BIBL, the system will not give you the call

+ type ends

number, and many cites listed in BIBL are not held by the Library of Congress.

3. Guide to Commonly Used Periodicals - The L.O.C. has a book located at most all reference desks in the Library which lists call numbers for all commonly used periodicals. (Don't be scared by the name, your uncommon periodicals will often be listed in this book). This source is often the easiest place to get call numbers for cites that you pull from PAIS, Humanities, Social Sciences, or BIBL. The book is located at the reference desk in the Computer Center among other locations.

C. OTHER RESOURCES IN THE JEFFERSON BUILDING

1. Microform Reading Room - The MRR is located on the first floor of the Jefferson Building, and the attendants there are very helpful, and will do most of the work for you in locating materials. It takes up to 30 minutes to retrieve materials in the MRR. Congressional testimony can be read in the MRR if you can not get to the Library in the New Executive Office Building.

II. The Madison Building - The Madison Building houses the Current Periodical and Newspaper reading room (on the first floor) and the Law Library (on the Second Floor).

A. THE LAW LIBRARY - There is only one database in the law library that you need to check and that is the Legaltrac system. There are two legaltrac terminals located across from the reference desk. This database catalogues law reviews and journals. Simply enter the name last name, first name. FYI- You can do Access and Scorpio in the Law Library on the terminals on your right when you enter the Library.

B. THE PERIODICAL READING ROOM - The Periodical Reading Room contains the GPO (General Periodicals On Disk), BPO (Business Periodicals On Disk), and Infotrac (Periodical Index) systems. In addition, as the name implies, back newspapers can be retrieved in this room. There are microfilm readers and photocopiers also available.

1. GPO/BPO - The GPO and BPO are databases that contain periodical articles in cite formation and in full text. Once you locate an article you can print it out on the attached laser printer. Note that all cites are

*for BPO
- get a call number
- make index or
- make index
- put all new for
- search together
- string
- scan, make or make a list*

not available on disc, and both systems have multiple index discs (i.e., GPO is divided into 4 separate discs, 1986-1989, 1989-1990, 1991, and 1992-1993). Be sure to check all discs!

2. Infotrac - The Infotrac system located across from the GPO/BPO machines, and it produces only cites for periodical articles. (Usually, the cites on Infotrac are dupes from the other systems, but we just do it anyway.)

III. The Adams Building - The Adams building houses most of the L.O.C.'s books and bound periodicals. When you request books, you will most likely pick them up in the Adams Building. In addition, the Adams Building houses the Science and Business reading rooms. For any persons involved in these fields, there are additional databases specific to these areas located in Adams. The fifth floor of the Adams Building is where the reading room and all book retrieval is located. That is the only floor which you will need to go to in the Adams Building.

Helpful Hints for Requesting Books: Since most books in the L.O.C. are housed in the Adams Building, it is wise to request all books on Adams call-slips and walk over there to pick them up. (There are red slips for the Adams Building and Blue slips for the Jefferson Building). This will save you time! Unless you request Adams call-slips in the Jefferson Building, you will be using Jefferson call-slips and it will take longer to get your books since the slips will be sent over to Adams and then the books will have to be sent back to Jefferson.

What to do with books once you retrieve them: Unfortunately, books can not be checked out of the Library of Congress. All materials must be photocopied. For full books, the intro, conclusion, table of contents and any other seemingly important chapters should be copied. If it is necessary to read a book in it's entirety, you can try the MLK public library near Metro Center, or an inter-library loan through the E.O.P Library.