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JUNE 19, 1996 CLINGER COMMITTEE TRANSCRIPT -- **PARTIAL TRANSCRIPT**
CULVAHOUSE, DANNENHAUER, GRAY, HAUSER, GEMMELL

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THE HOUSE GOVERNMENT REFORM AND OVERSIGHT COMMITTEE HOLDS A
HEARING ON FBI BACKGROUND FILES OBTAINED BY THE WHITE HOUSE

JUNE 19, 1996

SPEAKERS LIST: U.S. REPRESENTATIVE WILLIAM CLINGER (R-PA),
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CLINGER: ...will come to order. We are going to proceed this morning, I will give an opening statement, Mrs. Collins will give an opening statement, then other members, I would press if they have opening statements that either submit them for the record or use the time period which would be allotted to them if we proceed after the witnesses to make their opening statement.

We meet this morning to discuss a very troubling development that has been uncovered in the course of our investigation into the White House travel office matter. The scope of this morning's hearing will be limited to a consideration of the procedures that have been in place for a number of years for the White House request for classified information, FBI files. At a future hearing we will consider how those procedures have been carried out by the present administration.

On May 30, 1996, several weeks after the White House ostensibly

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had claimed executive privilege over 3000 pages of Travelgate documents which it continued to hold, the committee received from the White House 1000 pages of those documents. Two pages of these documents revealed a White House request for the FBI background files of former travel Office Director Billy Ray Dale. The reason given for the request was the Mr. Dale was being considered for access to the White House. The request was made seven months after Mr. Dale had been fired by the White House and accused of criminal wrongdoing.

As a result of these accusations, a 30-month Department of Justice investigation was seven months in progress, seven months along when this really highly suspect request from the White House was made. Needless to say, this request was of more than passing interest to the committee.

Last week, FBI Director Freeh issued a report indicating that the White House sought and obtained more than 400 such FBI confidential background files, as he said, without justification, in the same timeframe, in late 1993 and early 1994.

The FBI report notes that at the time FBI officials noticed that, and I'm quoting, "unusually large numbers of requests for copies of previous reports only," but when they contacted the White House security office to ensure that its new occupants understood the process, the FBI was assured that the White House was, quoting, "simply updating their files."

These files were predominantly those of Republican officials from the Bush and Reagan administrations and included prominent figures such as former Secretary of State James Baker, former Bush Press Secretary Marlin Fitzwater, former CIA Director William Colby, and even one of today's witnesses, former Reagan White House Counsel A.B. Culvahouse. These improperly obtained files were never returned to the FBI until only in the last few weeks.

In his report, Director Freeh also noted that among the unquestionably unjustified acquisitions were reports related to discharged travel office employees Billy Ray Dale and Barnaby Brasseux. He also noted that an additional 71 files were requested inappropriately and were only turned over to the FBI on June 13. That was one day before the FBI report was issued.

Seventeen other files, we understand, are still in question, still retained by the White House, and are still sort of in limbo as to whether they should be returned to the FBI.

So while we continue to try to uncover the facts and determine

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what led to what I think all agree was an incredible invasion of the privacy of more than 400 individuals, I'm very pleased that new procedures have been put in place, albeit belatedly.

CLINGER: As Director Freeh noted in his report, the longstanding former system of providing FBI files to the White House relied on, in his words, "the good faith and honor of those who were integrally involved in the process."

This standard, apparently sufficient for more than 30 years in the absence of any reported abuse, demonstrated serious weaknesses when individuals who were incompetent individuals or perhaps worse were put in charge of the system at the Clinton White House.

It now seems abundantly clear that the system in place was, in fact, vulnerable to misuse. And actions have now fortunately been taken to remedy those weaknesses. And I, again, applaud Director Freeh for making the changes swiftly and for accepting responsibility for the actions of the FBI. He could have assigned blame to lower-level file clerks or imagined computer glitches, but he did not.

Director Freeh has described the prior system which has been used throughout both Democrat and Republican administrations and which it now appears was indeed very vulnerable to abuse.

I believe the changes and new safeguards in this exchange of sensitive information will be welcomed on a bipartisan basis. As The Boston Globe noted, and I'm quoting, "High officials' misuse of confidential information about their own citizens has produced some of the most shameful chapters in American history -- not all of it, unfortunately, in the past."

It is important that we not only avoid repeating the mistakes of the past, but that we put procedures in place that assist in assuring that no new abuses arise, and that is the function of this committee. I also welcome the changes made by the White House counsel in procedures in conjunction with the FBI recommendations.

But while new systems are welcome in this extraordinarily sensitive area, I would note no system that involves sensitive security matters can be invulnerable to incompetent, or worse, malicious individuals who do not have a sufficient appreciation for the seriousness of such a responsibility as handling FBI background files.

The casualness with which this White House has approached many

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areas of security and protocol reflect, I think, a contempt for process and a disturbing lack of respect for following the rules. It seems a White House that is intent on keeping secret so many of its own documents has an unacceptably loose standard when it comes to the confidential background files of average American citizens, private citizens.

Incredibly, while the White House says it acknowledges this gross error in obtaining the files of Reagan and Bush officials, the individual who oversaw this office was only placed on paid administrative leave two days ago.

A longtime Democratic political operative and Clinton/Gore campaign aide, Craig Livingstone, was placed in charge of personnel security from day one of the Clinton administration. His direct superior, Rose Law Firm partner Bill Kennedy, came a month or so later to the White House as the deputy counsel. Mr. Kennedy subsequently was relieved of his duties in overseeing these matters when news of his failure to pay nanny taxes and his failure to include this information on his own background investigation was brought to light.

While Mr. Kennedy and three White House counsels have come and gone, Mr. Livingstone remained in this intensely sensitive position until this past Monday, June 17. And one has to ask the question: Why? Was this really the best individual the White House could find for this extremely sensitive position? And isn't it troubling that Mr. Livingstone sought out another seasoned political operative to be detailed to the White House?

CLINGER: And it is this 50-something-year-old man who initially was described by the White House as a low-level clerk, a political individual, bureaucrat, who fouled up these sensitive procedures.

The reason we have background files in the first place is so that it is possible to access the suitability of those in sensitive positions.

It is ironic that while the White House wants us to accept its defense of gross incompetence as the reason for obtaining these files, it was willing to retain an individual at the center of the incompetence until the mounting furor forced its hand and it hoped that we would ignore the fact that the low-level clerk was, in fact, an experienced investigator with Democratic political credentials going back many years.

It's important to note at the outset that we never would have learned of what Director Freeh correctly called "egregious violations

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of privacy" if not for the contempt vote in this committee over a month ago in trying to obtain White House compliance with our bipartisan subpoenas.

The documents which revealed this travesty were among the 1,000 pages of Travelgate documents that the White House had withheld for months.

The White House never disclosed to the committee that it was withholding Billy Dale's FBI background file, which the White House sought and obtained over seven months after he was fired. Instead, the White House said it had personnel files on Mr. Dale, which are an entirely different item, and were in fact separately provided to the committee.

It was only on the morning of the contempt vote that these documents were turned over.

I have to say that this kind of evasiveness does not inspire the confidence that allows us to complete this investigation and, on the contrary, raises our level of skepticism about the various reasons and excuses that have been offered with regard to this whole matter.

The White House and the involved individuals have offered numerous excuses for what even Chief of Staff Leon Panetta has acknowledged was an inexcusable mistake.

As the New York Times has noted, "President Clinton's staff has a talent for forcing people to choose between incompetence and skullduggery as an excuse for their managerial snafus."

We are still deposing witnesses -- the committee is still deposing witnesses and gathering the documents we think are necessary to find out the facts behind this unprecedented, unauthorized and inappropriate gathering of confidential FBI background files.

Whether this was part of a larger pattern of trying to compromise the FBI or part of the all-too-familiar pattern of incompetence and incredibly mismanaged record-keeping at the White House, will be the subject of further investigation and further hearings which we will be announcing very shortly.

I want to welcome our guests to the hearing this morning. Look forward to their testimony as they tell us what went on during their watch and how these procedures were conducted at that time.

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And I'm now pleased to recognize the gentlelady from Illinois, the ranking member of the committee, Mrs. Collins.

COLLINS: Thank you, Mr. Chairman. I thank you for holding hearings on this subject of the improper use of FBI files and I want to be very clear at the outset that we have no disagreement on one important issue -- it was wrong to request the files of former administration officials, and it was wrong for the FBI to provide that information.

I cannot emphasize enough my concern when the private files of any American are put in the wrong hands.

I strongly believe that the right to privacy is one of the most important rights of our Constitution. When privacy rights are abused, in connection with the potential for political misuse, my concerns are compounded.

Therefore, I welcome these hearings for two important reasons. First, if properly conducted, they can determine what actually happened in this particular case and separate fact from fiction or speculation. Second, they can provide the necessary insight to insure that this problem is not repeated in the future.

COLLINS: We have relatively few facts at this moment, but a high dose of speculation. The principal fact, and it's a big one, is that a large number of summary background files from the FBI relating to employees of the previous administration were improperly requested by the White House, and improperly provided by the FBI.

What we don't know is exactly why the files were requested, who reviewed their contents and to whom the information contained in those files was disseminated.

We have also learned another startling fact. Under the procedures utilized by this administration as well as previous administrations dating back 30 years, it was easier to order FBI files than it was to order a box of paper clips.

Apparently, all that was required was a simple request form which has not been significantly changed since the Johnson administration, with the name of a White House counsel typed at the top. No signature was required. No explanation of the need for the information was required.

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Thus, there was absolutely no accountability. Now this procedure must end. The FBI and the White House are both making changes in this system and this committee should take a long hard look at the changes to determine whether they go far enough.

The evidence to date also raises serious questions about the placement of individuals with campaign background in important positions in the Office of Personnel Security.

Now I would expect that the committee's going to look into measures to insure that in the future such employees are career civil servants rather than political appointees.

This committee must examine both how this improper use of these files occurred and why it occurred.

But regardless of the reason for these files being requested by the White House, it was wrong. But there is a significant distinction between requests being made for a sinister political use and requests being made due to a mistake.

Now I am certain that all of my colleagues here today understand the seriousness of this distinction. We have to, therefore, explore the circumstances leading up to the requests for the files as well as their subsequent use to determine just how serious this problem was.

Now, I would urge all of my colleagues to consider their statements very carefully today. It's important that we stick to the facts and not rumor and not speculation.

For example, I've heard various comments about this case alleging that the files were requested to get the dirt on the fired travel office employees. Others have speculated that the White House counsel or even the first lady were behind some sort of campaign to embarrass former employees.

However, I am unaware that the committee has the facts to prove such allegations.

The White House has characterized the episode as a bureaucratic snafu. Only further investigation will determine whether that is correct. So similarly, I will not represent that theory as a matter of fact.

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In short, speculation may make good partisan headlines, but it will do very little to enhance the credibility of our committee's investigation.

COLLINS: One of the witnesses today may begin to shed on how the White House came into possession of the wrong FBI files. Ms. Nancy Gemmell came to the White House in the Nixon administration and served in the Personnel Security Office in the Reagan, Bush and Clinton administrations. She has reported to have helped the train employees of the personnel security office on the so-called "update project" to reconstruct the files of hold-over personnel with White House passes. She is perhaps the only person testifying today who will have firsthand knowledge of this matter and can begin the process of uncovering what took place.

So, I urge you, Mr. Chairman, to proceed as quickly as possible to get to the bottom of this issue. We need to bring in those actually responsible, including, Craig Livingstone, Anthony Marceca, Lisa Wetzl and any others in the Office of Personnel Security to publicly testify on exactly what occurred. Mr. Livingstone and Ms. Wetzl have already testified in depositions to this committee.

And their testimony is very important. For example, Ms. Wetzl appears to be the individual who after Anthony Marceca left, uncovered the fact that he had wrongly requested the files of individuals no longer employed there. She apparently also discovered outdated Secret Service lists that may have formed the basis for the request. I believe that this committee should put all of the facts on the table. At the last hearing it was my understanding that you, Mr. Chairman, had placed all the depositions the committee had taken on the Travel Office matter on the public record.

My view is shared by the Parliamentarian's Office, who reviewed the transcript. However, you subsequently contended that you had placed just four transcripts on the record with no explanation whatever of how those four were chosen. I repeat that all of the depositions should be placed on the record, including for example, those of Craig Livingstone, Anthony Marceca and Lisa Wetzl. There is no reason for the committee to be engaged in -- for the committee to be engaged in any secrecy or coverup.

The deposition authority was requested because, as you Mr. Chairman stated on the House floor, and I'm quoting now, "it would be extremely impractical to expect this committee to hold enough hearings to place all the necessary witnesses under oath publicly." In other words, the purpose of the deposition authority was to provide a practical substitute for public hearings, not to convert public testimony into secret testimony.

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We're not a grand jury. We are a public institution and our rules require us to hold public hearings. The Democrats on this committee have supported your efforts to require the administration to provide all of the information we need, Mr. Chairman. Similarly, we support total disclosure by this committee. And I therefore ask unanimous consent that all transcripts of all depositions be placed at this point in the record, and yield back the balance of my time.

CLINGER: Is there object...? Well, I object to the releasing of all the depositions at this point and the reason for that is that we are still in the process of taking depositions which we do not prejudice future depositions that may be taken. I can assure the gentlelady that we have every intention of making all of the depositions that we have taken thus far as part of the public record...

COLLINS: Mr. Chairman, may I ask...

CLINGER: ...will be useful.

COLLINS: ...when you plan to do that?

CLINGER: As soon as we have completed the deposition process which should be within the next two to three weeks.

UNKNOWN: Mr. Chairman?

CLINGER: And now I'm prepared to ask the witnesses in this hearing to come forward and let me introduce them as they come. The first witness is Mr. Boyden Gray, who is the former White House counsel to president George Bush; next, Mr. Dick Hauser, former White House deputy counsel to counsel Fred Fielding under President Ronald Reagan;

CLINGER: Mr. A.B. Culvahouse, who is the former White House counsel to President Ronald Reagan; Miss Jane Dannenhauer, former White House assistant to the counsel to the president in the Office of Personnel Security under Presidents Nixon, Ford for 2 1/2 months, Carter, Reagan, Bush and for one month President Clinton -- so has served under many of their preceding presidents; and finally, Miss Nancy Gemmell, assistant to the Office of Personnel Security under Presidents Reagan, Bush and Clinton.

Let the record note that we did invite Mr. Michael Cardozo, who was the deputy White House counsel during President Carter's

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administration, who was unable to attend or declined to attend.

Ladies and gentlemen, it is the practice of this committee to swear all witnesses so that we do not prejudice the rights of any witness, and if you have no objection, then I ask you to rise and swear you?

Do you swear the testimony that you are about to give will be the truth, the whole truth and nothing but the truth?

ALL: I do.

CLINGER: Let the record note that all of the witnesses nodded or answered in the affirmative and I will ask you, Mr. Gray, welcome to the committee. I look forward to your testimony.

GRAY: Thank you very much, Mr. Chairman, members of the committee, you have my prepared statement so I will try to be as brief as possible to summarize, to try to provide you a basic framework for understanding what information we tried to -- we did get from the FBI and then how we used it.

I, of course, can only speak for the Bush administration, but we tried to follow the procedures developed in previous administrations. Anything I did right, I owe to my predecessor A.B. And anything I did wrong was our fault.

There were three categories of information that we sought from the FBI. And I divided it into three in order to try to make it understandable because there was an enormous amount of paper flow involved and it was a complex process.

The first category involved requests for name checks from the FBI. That is a run-through of their computer base to see if there were any recent potentially illegal activity on the public record so that we had an early warning signal as to whether or not we had a difficult problem on our hands.

We had these name checks run to build -- when we came into a new administration -- to build a temporary access list for people who were awaiting the full field investigations, the full investigations that would give them permanent clearance to the White House or to a Cabinet-level post.

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You might want to think of this first category as a waiting list. These were, again, people who were awaiting full investigation but we had to do a brief check to make sure that they could be let into the complex for a temporary period.

Usually that list was supposed to provide for access only for 90 days.

Now the second category was the request for a full field investigation by the FBI in connection with new appointees, White House staff, Cabinet.

Of course, in some cases, appointees would have served in previous administrations and so the full field investigation would consist of an update since their last investigation.

In each of these cases, the individual would be required to fill out before the full field investigation could begin a very lengthy form called Form 86 -- very, very comprehensive -- many, many pages -- took hours and hours to fill out.

GRAY: This would be done before the FBI would start its agents into the field and, of course, by the very nature of everything, an individual who had filled out this form knew pretty well what he or she was in for.

The final category is one that has received attention in the press recently -- was the updates of the semi-permanent White House -- White House staff, the people who served president after president after president.

This was not the highest priority because these were people already there who had already been cleared, but when the back was broken, as it were, of clearance for the new people you wanted to get in, you would -- we would recreate -- we did recreate by asking for the FBI to give us copies of the files of current White House employees who were holdovers or who continued in their posts from administration to administration.

In due course, these files would have to be updated on a rotating four-year basis, depending on when the individual's last clearance check had been run. The requests would go to the FBI on an office-by-office basis.

When the time came for an update, of course the update would be

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requested of the FBI on a chronological basis depending on when the four years was about to be over.

I want to note here that what this meant for us in any event was that an old, if you will, dead file of someone not actually working in the White House without an old -- requesting an old, dead file without some update information, that is by way of a name check at the FBI or a fuller FBI investigation, served no purpose.

It would have been of no value. It would have led to no other action.

Now what did we do with all this information? How did we obtain it? And what did we do with it?

The paper flow was managed in our days by an extraordinary individual named Jane Dannenhauer, who is sitting up here, who had an unenviable task of managing what some people who used to ferry documents around the White House used to say was enormous.

One of our messengers said that the paper flow into the counsel's office was ten times the paper flow for all the rest of the White House combined -- staff. I'm not talking about the president.

So it was a huge task.

Jane Dannenhauer was an assistant to the president and the office operated under my supervision, under A.B.'s supervision, under Dick's supervision, Fred Fielding, who was counsel in the first Reagan term.

The paperwork, as I say, was very tricky. Many of you will still have difficulty, I'm sure, a week from now or two weeks from now understanding exactly all the details, and frankly, there are times when I wonder if I still understand all the details. You will have to ask Jane if you can confound us, which you well be able to do, as to actually how the paper was conducted.

But I want to make very, very clear that, as professional and as dedicated and as good-humored as Jane was, she did not make substantive judgments on this material.

GRAY: That was reserved virtually exclusively to the White House, myself and my deputy, who was John Schmitz in the Bush administration. If there was, she would read the files, and if there

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was anything remotely questionable, the file would shoot straight up into my office where it would be read only by John Schmitz. And if he felt he couldn't make a decision based on guidelines developed by myself and him with the president, chief of staff, if he felt he could not make a decision based on those principles, he would kick it to me for further discussion, perhaps with the president or the chief of staff.

I would guess that John Schmitz must have read hundreds maybe a thousand of these. I myself probably read about 100. I never got used to it. I have a very uncomfortable feeling every time I was forced to read one, you're peering into someone's life, seeing things that nobody has any right going. But it was a necessary task, which we felt we had to do in order to protect the country in connection with security, potential security breaches, and of course, to protect the president politically.

Doing this work really thankless work of reading these -- just -- unpleasant work of reading these files was a central obligation of the counsel's office. I felt I never got out of it for the entire first year to do anything that I considered more personally rewarding or fun. It was a very, very difficult task. People will say, well, gee whiz, you and your deputy were political, are political, and the answer to that is, yes. Certainly we're political in the largest sense of the word.

But we were reviewing files of our own people, not files of a Carter administration or say the Clinton administration. I think -- I hope I've given you an outline of how we -- of what information we obtain and generally how we obtained it. And I will stop there and let the others pick up.

CLINGER: Thank you very much, Mr. Gray. And I will go to Mr. Hauser, I believe.

HAUSER: Thank you, Mr. Chairman. Mr. Chairman, the members of the committee, I am pleased to be before you today to address the important issues of White House handling of FBI files. I have a written statement which I've submitted. And I'm going to just touch on some of the elements of my statement. And I hope that my experiences during the Reagan administration will be helpful to the committee.

I had the honor of serving as deputy counsel to President Reagan from early in 1981 until mid-1986 when I left for the private practice of law. As deputy counsel, I was involved in the clearance process for presidential appointees and the White House staff. At some point in 1981 I assumed a greater responsibility for this from Mr. Fielding,

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eventually assuming almost exclusive responsibility.

I would, however, continue to share and discuss with Mr. Fielding background reports that raised questions or required his judgment because of the issue, position or the individual involved. Background reports, for the reasons of Mr. Gray was describing, were treated with great respect and access was restricted to the Counsel's Office. To my knowledge, and I've discussed this Mr. Fielding, background files were never shown to others in the White House, including the president, the vice president, the chief of staff or the director of presidential personnel. It was understood and accepted that it was the counsel's job whether clearance should be approved.

And this decision would have been made by Mr. Fielding or me. Now, certainly there were a small number of instances in which aspects of the background reports would have discussed with some of the individuals I've mentioned. But it was on an a need-to-know basis and it was without sharing the file.

HAUSER: In addition to the appointment process and staffing of the White House which was a continuing process throughout the administration, the files of White House staff, career-appointed, would have been updated on a routine basis -- usually every four years.

These, too, would have been reviewed by me if they contained any derogatory information. And access to the files was similarly limited.

I do not recall any instance in which the report of an official from a prior administration was requested unless it was in connection with an appointment by President Reagan.

Restricting access to information contained in the FBI background reports was intended to serve two important purposes. One, assuring the privacy of the prospective appointee or staff member; and two, maintaining the integrity of the background investigation process.

These issues have larger public policy implications and I mention these because I have heard that -- sort of like no harm, no foul. People haven't used these, therefore there is no harm to the individual or to the larger public interest.

But I'd like to point out that there is already a significant loss of privacy imposed on individuals entering public service and the careless treatment of privacy protections will surely be a deterrent

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for some considering public service.

When called, some will stand aside. I am personally aware of highly qualified individuals who refuse the call to serve fearing loss of privacy. And this response is likely to be reinforced by a breakdown in the handling of FBI files, whether by this administration or future administrations. And the ramification for the staffing of future administrations is serious.

In addition, a background report is designed to produce complete and accurate information on the character, associates, reputation and loyalty of the subject of the background check. Understandably, when interviewed by the FBI, friends, associates, co-workers and neighbors of the subject are often reluctant to be candid, particularly if they are aware of derogatory information, for fear that it may be leaked or improperly circulated.

As a consequence, these sources may sugar-coat important information or seek anonymity for fear of attribution, thus diluting the quality and usefulness of the background report.

I think we can all recall instances where issues relating to suitability were not adequately surfaced during a background investigation. This problem is likely to be compounded in the future and I know that this is a concern shared by the FBI.

Also, the careless or casual handling of matters so sensitive and personal as background investigations erodes the confidence of citizens not only in the integrity of the decision-making process, but in government generally. And once this trust is lost, it is hard to regain.

I would like to briefly comment about the special inquiry unit of the FBI. I had the privilege of working with several chiefs of that unit who were dedicated, hard-working and responsive. We worked cooperatively to improve and expedite the background investigation process, and any problems encountered would be discussed and resolved.

I think I'll stop there, Mr. Chairman. I hope these comments are helpful and I'd be pleased to answer any questions. Thank you.

CLINGER: Thank you very much, Mr. Hauser. And now we'll hear from Mr. Culvahouse. Thank you.

CULVAHOUSE: Thank you, Mr. Chairman. I also have submitted a

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written statement for the record. Many of the points covered therein have been covered by my predecessors and colleagues, and I'll just briefly summarize a few points.

I had the privilege of serving as President Ronald Reagan's White House counsel for 22 months beginning in March 1987. I was recommended to the president by Senator Howard Baker, who was then the new White House chief of staff. I had the honor of serving as Senator Baker's chief legislative assistant for three years during -- really my first assignment was to sit behind Senator Baker during the Senate Watergate Committee hearings as he posed that famous question to John Dean.

CULVAHOUSE: Senator Baker and I when we came to the White House had negotiated with President Reagan, because of the pressure that the White House was under to deal with the Iran-Contra investigations, the authority to revamp the White House staff really to our liking, with some exceptions.

Interestingly enough, Mr. Chairman, in terms of the inquiry of this committee, I remember the two of us sitting down with Marlin Fitzwater, who described the press operation -- the strengths and weaknesses thereof -- and as Marlin was leaving, Marlin said, and oh, by the way, there is this office in the White House called the travel office. Most of the political White House staff believe it to be populated by people appointed by President Johnson, but please don't fire them because, if you do, the White House press will make my life forever difficult.

So we took Marlin's advice.

We got the same reports when I looked at counsel's office staff. It was a system that -- it was a group of people that worked well. They were hugely respected, and I think the two people that received the highest marks, not only from their fellow White House staff members, but from the Secret Service, the FBI, and the many people with whom we worked, were my deputy, Jay Stephens and Jane Dannenhauer. They ran a professional operation that was -- it wasn't broke. It didn't need to be fixed. And I was encouraged not to make any changes.

I did not and I'm glad I didn't.

I think that the culture and the procedures that were developed were a tribute not only to my predecessors, to Fred Fielding, Dick Hauser and Peter Wallison, but frankly to people like Lloyd Cutler and Michael Cardozo in the Carter administration.

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As the FBI report points out, many of these procedures date back to 30 years. That is not to say they couldn't be improved. It's not to say that we haven't -- we shouldn't learn lessons from what has gone awry, but I think the culture of professionalism, of confidentiality, of care and attention to detail is something that's grown up over the years and is not attributable to one president or to two presidents, but to several presidents and several White House counsel.

Reviewing FBI files is a solemn legal and ethical obligation. I share with Boyden Gray my distaste. It was the least attractive feature of my job. I did not want to know that much about my colleagues or about other senior governmental officials.

If you think -- if you look at the question -- at standard Form 86, it is designed to affirmatively encourage the furnishing of adverse information, of derogatory information. It asks, have you ever had counseling for drug, alcohol abuse or mental health counseling? It asks, have you ever been arrested other than a minor traffic offense? It asks, have you used drugs in the last 18 years? Have you ever had a problem with alcohol? Have you failed to pay taxes?

And then there's the catchall at the end: And please tell us anything else that might be embarrassing to you, your family or the president?

And that's not asked only of you -- the person going through clearance. It's asked of your friends, your neighbors and people who may not be your friends.

CULVAHOUSE: And then you also have the FBI, its name check, it goes to the SEC, there are people the same names.

So in my experience almost every -- I can't say this -- the significant number, perhaps the majority of FBI files I saw had some derogatory information -- often wrong, often uncorroborated, often unfair -- but it had some negative information, and it's information that deserves to be treated with the utmost confidentiality, but at the same time it's necessary.

We collected this information for two reasons, really. One, what I would call the security reason, for White House pass holders, the people like me, all of us at this table, who every day were in close proximity to the president, to the vice president, to foreign leaders, to senior governmental officials. The Secret Service, the FBI and

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counsel's office all had a vested interest in making sure people in close proximity, whether they were the White House chief of staff or a groundskeeper, did not pose a security risk to the president, to the vice president, to foreign leaders.

The second reason was upholding the president's constitutional responsibility to nominate officers of the executive branch, people appointed to commissions and people appointed to the federal judiciary. And the FBI files were a fundamentally important part of us determining that these people were suitable to hold those positions and to so represent to the United States Senate for those who had to be confirmed.

So it is a necessary process and it's a process that I think in general has worked well, but you cannot minimize the importance of protecting the confidentiality of the information for the reasons that Dick Hauser explained.

If people are concerned, whether it's the individual filling out the forms or the neighbors or their friends or the teachers are concerned that the information is going to be disseminated widely, treated cavalierly, used for political or other illicit purposes, then you're going to get information that's not candid, that's not forthcoming, or you're going to get just false information, and that's not good for the White House, it's not good for the government, it's not good for the Senate confirmation process, and that's what deserves to be protected.

Finally, I have read with interest the recommendations of the FBI in its report. I think in the main they're good and generally laudatory. Any system that's been in existence, as the FBI points out and the chairman points out in his remarks, for 30 years, can probably stand some improvement, some tweaking.

It will result in additional paperwork. I don't think it would have changed our internal procedures very much. Certainly with respect to putting people into clearance, and dealing with senior White House positions, those people were not -- name checks, FBI files were not requested except with the senior authority of the Counsel's Office.

It would have involved, it would have involved more senior lawyer involvement in lower level positions in the White House, people who were not going to be Senate confirmed, who were not presidential appointees, or who were not going to get a commission from the president. And that's probably OK, that's going to result in some additional workload on counsel's office, but I'd rather have a system that's maybe overly protective of information than see what appears to

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have happened in this case.

Mr. Chairman, I thank you for the opportunity, I'm happy to answer any questions.

CLINGER: Thank you very much, Mr. Culvahouse.

CLINGER: And now I'm pleased to call upon Ms. Jane Dannenhauer.

DANNENHAUER: Mr. Chairman and members of the committee, my name is Jane Dannenhauer. I retired in March, 1993 ...

(UNKNOWN): Would she pull the microphone a little closer, I want to make sure we can hear all she has to say?

DANNENHAUER: I'm sorry. I departed the White House staff on March 1, 1993. Until January 20th of that year I held the position of assistant to the counsel to the president with the responsibility of directing the White House Security Office under the counsel. Our security office, with a staff of five, was responsible for providing, through Secret Service, clearance into the White House complex all White House personnel, and all other permanent staff of support offices such as records management, correspondence, communications, telephone operators and other offices that continue operation from administration to administration.

At the beginning of the new administration, the major thrust obviously is to clear all new White House personnel. They along with the prospective presidential appointees have the very highest priority in our clearance process. Prior to January 20, 1981, the focus was to provide the names of the new staff members to Secret Service, along with the FBI check information to allow admittance to the complex on the appointed day.

After January 20, and for several months thereafter, the White House Security Office was consumed with the collection of Standard Form 86, completed and signed from the proposed presidential appointees and new White House staff members for the FBI to complete the background of the investigations as expeditiously as possible.

Later in the first year of the new administration as time permitted, we started the process of restructuring the files on support personnel. Although this project was not a priority it was necessary to have the prior FBI reports of these current employees in order to implement the policy of updating background investigations on

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a four-year cycle. That was the policy at the time.

The reason this project was not a top priority was the fact that these employees had completed background investigations and held permanent passes. In this connection, we requested and received from the FBI copies of these previous reports. These reports were placed in our vault and the dates of completion recorded in a log to determine when to begin the four-year update in each case.

Each previous report received from the FBI was reviewed by me and sent to the deputy counsel and counsel if an earlier update might be indicated. In this manner, counsel was aware of any possible problems with the existing personnel as well as with new personnel. This update process continued throughout each administration of which I was a part and included only those employees currently working at the White House.

During the years I was responsible for the Security Office, I was very fortunate to have dedicated and loyal staffs who were honored to serve the presidency. There were no detailees from other agencies in the Security Office or volunteers without a full background investigation. In the Reagan and Bush administrations my assistant was Nancy Gemmell, who worked with me for 12 years. And she, as well as our other three assistants, were detail-oriented and meticulous with the handling and storage of these very private files.

They and the staffs of previous years were well aware of the sensitivity of the files and the extreme caution needed to protect them. I was privileged to serve in four administrations starting in October, 1972 with the Nixon administration.

DANNENHAUER: I was employed by the Ford, Reagan and Bush administrations in the same capacity. Also, at the request of Mr. Robert Lipshutz, counsel to President Carter, I and one of my assistants at the time remained for two and a half months to train the new staff member and await a new director. By so doing, such assistance ensured a smooth transition.

I would be pleased to answer any questions. Thank you, Mr. Chairman.

CLINGER: Thank you very much, Ms. Dannenhauer.

Ms. Gemmell.

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GEMMELL: Good morning, Mr. Chairman and members of the committee. My name is Nancy Gemmell. I began my government career at the Department of the Treasury in 1968.

CLINGER: Get a little closer to the microphone if you can.

GEMMELL: All right. Should I start over? All right.

I began my government service in 1968 at the Department of the Treasury. In 1969, I began my White House service. I was privileged to have served in the special projects office, for many years to have worked in the president's appointments and scheduling office, and also in 1981 until my retirement on August 13 of 1993, in the White House Security Office.

My government service began during the Johnson administration, spanning the Nixon administration, the Ford administration, the Carter administration, two terms of the Reagan administration, the Bush administration, and again, until August 13 of 1993, the Clinton administration.

It has been my honor to have served these administrations and I will be pleased to take your questions. Thank you.

CLINGER: Thank you very much. Thank all of the panel for your very helpful testimony. We will now proceed under the five minute rule, and I will lead off with the first series of questions if I may.

To me, and this is sort of addressed to the panel generally, but certainly to me one of the real problems here is who is in charge of this office, who is put in charge of this office, and there was apparently in this case political operatives were in charge of the office. So I would ask, Mr. Gray, Mr. Culvahouse, Mr. Hauser, give us your sense of what the qualifications should be for a person that would be in charge of this office, what kind of background would be, in your view, essential to be the administrator of this office?

GRAY: Someone with great precision, attention to detail, management skills, great patience, great, great discretion. One could say, if you did a description of Jane Dannenhauer you would have a good profile of the person you wanted.

Now, of course, she's not, I'm sure, unique, but she did a fantastic job for us. It is exceedingly difficult to manage this mountain of paper without letting any of it leak out, and at the same

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time not having, if you will, the fun of being able to act substantively on the material that you are managing. The decisions based on the process that she so well managed, or such a person would manage, rests with the White House counsel.

CLINGER: Now one of the elements that was raised in the FBI report by Mr. Freeh was that the system that had been in place for 30 years, literally since Lyndon Johnson's time, had worked pretty well. It relied upon the initial thing that prompted the return of an FBI file to the White House was a form sent out over the name of the White House counsel.

But he also indicated that the system really relied upon the honor and integrity of the people making those requests. In your experience who should have the authority?

Mr. Nussbaum didn't apparently know who was doing this in his name. He disclaimed any knowledge of these forms being sent out.

Doesn't there need to be somebody who is aware of who is requesting these forms and under what criteria these forms are being requested?

GRAY: Well, let me see if I can answer this and Dick ought to, because A.B., I think, was not there at the beginning of the administration which may make his situation slightly different.

But if you look at it from the very, beginning, nothing would get triggered, nothing would get triggered, unless the subject of an inquiry would have filled out various forms, and thereby consented to the process. In our case, White House personnel would come to me with -- all right -- this is who we want to put into clearance for X, Y or Z job and then we would kick it downstairs. And then the process would unfold.

The only time, I think, generally speaking, where something would get initiated without my having triggered it in some fashion was with basically the permanent White House staff or replacement for secretaries, people who weren't senior White House staff there.

Of course the permanent White House staff have already been cleared, know that they undergo updates every four years and would be on notice that once an old administration went out taking their files with them, that they had every reason to expect that the files would be restored once the new administration got its act in place.

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CLINGER: Mr. Culvahouse? Mr. Hauser?

HAUSER: My experience is the same as that of Mr. Gray's, that at the beginning of an administration it's really through the processes initiated through the form 86 -- waivers are obtained from individuals.

These are a people who are applying for jobs, understand that a background investigation will be done as part of the clearance process and the issuance of a pass. So, there's nothing mysterious about that. And they're consent is obtained.

CLINGER: Mr. Culvahouse?

CULVAHOUSE: Mr. Chairman, I strain to think of a situation where we ever needed or thought we needed to look at a file of someone who's background check had been done during a prior administration without that person's express written consent.

And really the only time we would have liked to have done it, frankly, was in when we were building a short list for Supreme Court nominations. We had a number of sitting federal judges that were on our short list. We didn't, we would have preferred not to have had gone to those judges and get their consent just because of leaks. And we were trying to fill Justice Powell's seat under a magnifying glass.

But ultimately we concluded after consulting with the Justice Department and the FBI that we had to go get Judge Kennedy's consent.

CULVAHOUSE: So that is -- you know, in our culture, the culture that we grew up in and Dick Hauser helped develop, you never ever requested that information without the knowledge and consent of the individual involved.

CLINGER: Thank you.

Mr. Culvahouse, you referred to the standard Form 86 and noted the very sensitive information requested for your military history, if you have any mental problems, if you have drug problems, drinking problems, et cetera.

I mean, it's a very long thing, and I would ask unanimous consent that this form would be made a part of the record at this time. It's very sensitive information. And according to information also on the

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form, the questionnaire is for sensitive positions.

We've been conducting background checks, using this form for over 50 years. But on the form it states, "The information you give us is for official use only. We will protect it from unauthorized disclosure. Authorized disclosures include the Privacy Act routine uses shown on this form."

What would you define as an official use? I mean, isn't that pretty much of a guarantee to the person who's filling this out that it is going to be very, very tightly controlled and not being released to unauthorized people?

CULVAHOUSE: Yes, sir. As indicated in my opening statement, other than Jane Dannenhauer, there were only two lawyers in my office other than me who were authorized to look at the forms. One of those only looked at judicial forms, and that's because that's a fairly convoluted process with a lot of burden. And the other person was my deputy and me. And no one else did.

We had 12 lawyers on my staff and none of them looked at FBI forms. It was a matter of supreme sensitivity. And lots of people are rightfully concerned about who's going to see their FBI files.

CLINGER: Thank you. My time is expired, and I would now turn to the gentlelady from Illinois, Ms. Collins.

COLLINS: Thank you, Mr. Chairman.

Mr. Chairman, before I begin asking my questions, I'd like to make the committee aware that White House Chief of Staff Leon Panetta and Counsel of the President John Quinn have just announced that a new senior security officer will now be directing personnel security matters for the White House. His name is Chuck Easley, who is now head of security for the executive office of the president.

He served a total of 20 years in the United States Army. And he has a wide and distinguished background in security matters and will bring very needed expertise and experience to the important duties of the office.

And now I'm going to ask my question, Mr. Chairman.

Ms. Gemmell, you've had a long and distinguished career at the

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White House, beginning with the Nixon administration. No. Beginning with the Johnson administration, I believe you said.

GEMMELL: The Johnson administration at Department of the Treasury, and Nixon administration at the White House. Yes, ma'am.

COLLINS: And you've served in the Special Projects Office, the Appointments and Scheduling Office, and from 1981 until your retirement in August of '93 in the Office of Personnel Security. Is that correct?

GEMMELL: Yes, ma'am.

COLLINS: OK. Did you train the employees of the office on standard operating procedures before you retired in 1993?

GEMMELL: Yes, ma'am. That was in process.

COLLINS: OK. That was in process?

GEMMELL: In process. Yes, ma'am.

COLLINS: So that means that some had been trained or what?

GEMMELL: The staff still, for instance, the detailee that has been referenced still was not on board, so there was still going to be staff changes made. It was not a firm staff at that point.

COLLINS: At the point when you left?

GEMMELL: Yes, ma'am.

COLLINS: OK. We know now that the Clinton administration requested the FBI security files of individuals from the Bush White House. And based on your experience, how do you believe this might have happened?

GEMMELL: I can only say that now, having been removed from that office for almost three years, and having to look from the outside in, I can only speculate that a follow-up procedure, which would have been to request the Secret Service to provide a final list, a second list,

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was never made.

COLLINS: And if it was never made, then what implications would be there?

GEMMELL: Basically, the Secret Service list was used as the primary source, not the only source, but the primary source.

If a follow-up list had never been requested from them, basically, a cross-reference check would have been almost impossible to make.

COLLINS: Were you regularly involved in updating the security files of the career White House employees, beginning with this administration -- with the Reagan administration?

GEMMELL: Yes, ma'am. I was.

COLLINS: And did you rely on lists of names provided by the Secret Service for your primary source of these updates?

GEMMELL: We always heavily relied on the Secret Service, not only for current information but for accurate information. And certainly, to the best of my knowledge, nothing like this has ever happened before.

COLLINS: Well, did you inform others in the office to request that an additional list from the Secret Service would be needed for these updates?

GEMMELL: Yes, ma'am. It was very much understood that the initial list the office had was just that, an initial list to be used to start the first steps of the update project. It was very well known that many personnel decisions had yet to be made, and therefore that follow-up would have to be done.

COLLINS: OK. Do you recall if the list provided by the Secret Service would have had an "A" for active, or and "I" for inactive next to their names, to the names?

GEMMELL: No, ma'am. I do not recall.

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COLLINS: Well, when you requested copies of security files from the FBI, you feel that in a standard form with the White House's name printed on the top, and I don't know if you could see this or not, but I guess it looks something like this?

GEMMELL: Yes, ma'am.

COLLINS: OK. Did any of your superiors review these form requests before you gave them to the FBI?

GEMMELL: No. When were requesting a previous background report, no, ma'am.

COLLINS: So, then during the regular update projects in which you were involved, how often would you request a list of names from the Secret Service?

GEMMELL: Basically, only twice, ma'am. At the beginning, to initiate the process, and then the second cut to be used as the final cut.

COLLINS: OK. And you would do that for any particular offices, or for high turnover offices, or what -- is that the reason why you requested the second one?

GEMMELL: Yes, ma'am. Exactly.

COLLINS: Did you leave behind any Secret Service list of names that you had requested for the update project when you left in August of 1993?

GEMMELL: The list that was received from the Secret Service was left behind. It was still in process far from being completed. Correct.

COLLINS: Mr. Culvahouse, according to the FBI, since the last 1950s, the White House has routinely requested background investigations and checks to determine the suitability of applicants for federal employment, or the wisdom of allowing particular individuals to gain access to the president.

COLLINS: All that was required in order for the White House to gain access to these background files was a simple form with the name

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of the White House counsel typed on the top, similar to this one, is that right?

CULVAHOUSE: Yes, ma'am.

COLLINS: OK. It's my understanding that these pre-printed forms were also used while you were in the White House. Is that -- while you were the White House counsel, is that right?

CULVAHOUSE: Yes, ma'am.

COLLINS: OK. When you were the White House counsel, these forms had your name on them, is that right?

CULVAHOUSE: That's correct.

COLLINS: OK. But it's my understanding that you did not actually sign these request forms, is that true?

CULVAHOUSE: I did not actually sign the forms. That's true.

COLLINS: OK. How many people had access to these reports? These forms?

CULVAHOUSE: That's -- I think the forms resided only in Jane Dannenhauer's office, and that office would be the only office that would have the forms.

COLLINS: OK. So did you -- then did you personally review all the request forms before they were sent to the FBI?

CULVAHOUSE: Did I?

COLLINS: Yes.

CULVAHOUSE: No, ma'am. As I testified in my testimony, my office at very senior levels would have reviewed -- would have approved putting the people into the clearance -- the making of the request forms -- for all nominees, all appointees, all senior White House positions.

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The one category that my office at senior levels would not have been aware of would be more junior positions at the White House -- secretaries or whatever, where the retention or the hiring of that individual had been approved by the head of the Office of Administration or the head of Presidential Personnel. And we -- that person would be put into clearance on that authority with Jane Dannenhauer sending the person's name in.

And then when the feedback would come back from the Bureau, that -- the FBI file would be reviewed from my office to make sure that person was an appropriate person to have a pass.

COLLINS: So you would personally know...

CLINGER: Time has expired. I'm sorry to say the gentlelady's time has expired.

COLLINS: Oh, Mr. Chairman.

CLINGER: I've got...

(LAUGHTER)

When I look at the large array of members that are here to ask questions, I'm going to have to hold very strictly to the five-minute rule. Now I recognize the gentleman from Indiana, Mr. Burton.

BURTON: Thank you, Mr. Chairman. Mr. Chairman, I'd like to have my complete statement submitted for the record.

CLINGER: Without objection, so ordered.

BURTON: Mr. Chairman, let me make three quick points before I ask some questions.

First of all, the misuse of FBI files is not an isolated incident. In 1993, the Clinton political appointees at the State Department retrieved the personnel files of 160 political appointees who served during the Bush administration.

They went on to leak to the press sensitive information on at least two of these people from their files -- Elizabeth Tamposi (ph)

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and Jennifer Fitzgerald (ph). And this was a horrible abuse of these people's right to privacy. So I wanted to point that out.

Second, I'd like to restate what Louis Freeh said, the Head of the FBI, because I think it bears repeating.

He said, "The prior system of providing files to the White House relied on good faith and honor. Unfortunately, the FBI and I were victimized." Now this is a Clinton appointee saying this. "I promise the American people that it will not happen again on my watch."

I think that's a very vivid statement, and I'm happy that Mr. Freeh was honorable enough to make that.

The last thing I'd like to point out is that on June the 8th, in an article in the Washington Post, Mr. Marceca said he read the files and notified Mr. Livingstone if they contained derogatory information.

Now, Mr. Culvahouse indicated that every single one of these forms had a list of questions, and at the end was a question -- is there anything else you should tell us that might cause embarrassment to the White House or cause some problems?

And this would have constituted derogatory information that was very confidential. I'm correct in that?

CULVAHOUSE: Yes, sir.

BURTON: Can you ever recall anybody giving that kind of information to other people at the White House that was not properly cleared or was that ever disseminated to other White House personnel when you were there?

CULVAHOUSE: No, sir. That was the hardest part, Congressman Burton, of our job in the clearance process is explaining to the chief of staff, sometimes the president himself, the office that the director of the office of legislative affairs, if the individual had Congressional patronage, or the office of presidential personnel, that for reasons we can't tell you, we are not going to clear that individual. That individual will never be nominated by the president of the United States.

BURTON: But you wouldn't publicize that in any way?

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CULVAHOUSE: No, sir.

BURTON: Let me ask you this. As I understand it, there were over 408 requests made of people from previous administrations over Mr. Nussbaum's -- not his signature but his name typed in on a form. Can you ever recall -- any of you -- any administration requesting 50, 100, 200 or 408 records of previous employees from previous administrations?

CULVAHOUSE: Not me, Mr. Burton.

HAUSER: As I said in my opening statement, I recall of no report for anybody from a prior administration unless it was in connection with an appointment by President Reagan.

BURTON: To another post like the Supreme Court?

GRAY: Well, there are many positions on some of your independent agencies that require Democrat appointments, so there may be somebody in that connection.

BURTON: But never unless it was involving another potential appointment by that current administration?

GRAY: Yes. That's correct. That's correct.

BURTON: Would you say that 408 requests from previous administrations with no prospect of additional employment within the current administration would be out of line?

CULVAHOUSE: Well, I think it's extraordinary. I mean, to have 400 prior employees of the White House going from A to Z, that would suppose there were probably, you were -- if you do your arithmetic, 1,000 Bush appointees there. It's just -- it's inconceivable.

BURTON: Mr. Marceca said in this newspaper interview that he notified Mr. Livingstone on these 408 files if there was any derogatory information. Would any of you think that was in line? Or would you think that was out of line?

GRAY: Well, the job required assessing derogatory information, but the review of these 408 files served no apparent purpose. They weren't being appointed to anything.

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And if you didn't update those files -- some of them were five, six, seven years old -- if you didn't update those files with a name check or fuller investigation by the FBI, as I said in my earlier testimony, those files were otherwise useless. They served no -- they served no purpose...

BURTON: Since they served...

GRAY: ... because those people were going to go nowhere.

BURTON: Pardon me for interrupting. Since they served no useful purpose, then one, I would think, could only deduct that they were going to be used for political purposes or for some other purpose that was not consistent with good government.

Anybody have any comments on that?

BURTON: Or is that a deduction that I alone can make?

GRAY: All I can say is that, there being no legitimate purpose, you have to wonder what the real purpose was, why anybody would have continued reading these files after they got past James A. Baker III. Why anyone would continue to read is a mystery to me.

CULVAHOUSE: Congressman Burton, Judge Freeh has already said that the files should not have been there, that it was a gross invasion of privacy. There is no appropriate reason for the files to be there.

So a review for derogatory information or even for positive information was inappropriate in my view. The files should not have been there, and they should not have been reviewed. Period.

BURTON: Let me ask one final question. Ms. Dannenhauer said that only employees currently working at the White House under her watch were scrutinized with this kind of information, only current employees. Is that right when you were there, all the time you were there?

DANNENHAUER: You mean -- are you still talking about the great numbers of 445 people? I'm sorry.

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BURTON: My question is, people who are prospective employees or currently working at the White House were the only ones that you recall that you asked for this kind of information?

DANNENHAUER: Oh, absolutely.

BURTON: OK. Thank you, Mr. Chairman.

CLINGER: The gentleman's time has expired. Now please recognize the gentleman from California, Mr. Waxman's time.

WAXMAN: Thank you, Mr. Chairman. Mr. Gray, Mr. Culvahouse, and Mr. Hauser, is it accurate to say that you did not review every request that went from the personnel office to the FBI for security information? Mr. Hauser?

Does anybody disagree with that statement? You didn't -- you gentlemen didn't review every request, isn't that accurate?

HAUSER: That would be true. But you have to -- again, as Mr. Gray and Mr. Culvahouse indicated, in many instances, in most instances, the requests were triggered by the Form 86 or the consent of the individual being done.

I think the only category where that may not have been done was to seek the prior completed background investigation...

WAXMAN: Whatever reason the request was being made, you gentlemen didn't review each request that was sent to the FBI, and you didn't get access to it unless there was a problem that was found at a lower level. Isn't that correct, Mr. Hauser?

HAUSER: Generally correct.

WAXMAN: And Ms. Gemmell, you testified that you would get lists from the security office, Secret Service office, rather, and you would send those names on to the FBI. Isn't that accurate?

GEMMELL: Yes, sir. After, of course, several other steps. But, yes, sir.

WAXMAN: That was generally the process?

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GEMMELL: Yes, sir.

WAXMAN: We've had a 16-year period when the Republicans have been in office, and most of these men who were counsel to the president, were counsel to a president who succeeded a previous Republican president. There was Reagan, Bush, and then -- so they were there during those three terms.

When Mr. Reagan came into office in 1980 there was a transition from a Democrat to a Republican. Do you recall whether all of the files at that time on people working in the administration were handed over to the new administration?

GEMMELL: The same process was used. But certainly, this problem never surfaced. As I said before, this is the first time this has ever occurred to my knowledge. Yes, sir.

WAXMAN: Well, the White House -- the Clinton White House claims that the Bush White House cleaned out all the personnel security files of all White House employees and others with access.

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