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JUNE 20, 1996 SENATE JUDICIARY COMMITTEE TRANSCRIPT -- PARTIAL TRANSCRIPT

WITNESSES: CARROLL, CRAIG, DALE, GOBER, McBRIDE, MILLER, SHAPIRO

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SENATE JUDICIARY COMMITTEE HOLDS HEARING ON FBI BACKGROUND FILES
OBTAINED BY THE WHITE HOUSE

JUNE 20, 1996

SPEAKERS LIST: U.S. SENATOR ORRIN HATCH (R-UT), CHAIRMAN
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BILLY RAY DALE, FORMER DIRECTOR OF THE WHITE
HOUSE TRAVEL OFFICE
MARY KATE CARROLL, FORMER EMPLOYEE OF THE WHITE
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GRAVEN WINSLOW CRAIG, FORMER WHITE HOUSE INTERN
IN 1991
ELLEN JANYCE GOBER, WHITE HOUSE STAFF ASSISTANT,
1991-1992
ANITA McBRIDE, FORMER WHITE HOUSE CORRESPONDENCE
OFFICE AND WHITE HOUSE DIRECTOR OF PERSONNEL
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HOWARD SHAPIRO, GENERAL COUNSEL, FEDERAL BUREAU
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HATCH: Today, the Senate Judiciary Committee examines some of the facts concerning the White House's improper acquisition of FBI background file summaries of at least 408 individuals, most of whom had worked at the White House under Republican administrations and who no longer had access to the White House.

It is staggering to think that the sensitive background files of any individual were being pored over by President Clinton's political appointees or operatives.

The exposure of this abuse was delayed because, in our opinion, the White House stonewalled Chairman Clinger behind the cloak of executive privilege until it faced a possible contempt charge.

The first reaction of the White House to the exposure of this abuse was to demand an apology from the critics of the administration's continued misuse of the FBI. That these files found their way to the Xerox-equipped office suite of political operatives, combined with the White House's shirking of any real accountability, demonstrates, at least in my opinion, the arrogance of power which has plagued the Clinton White House.

As one who has seen FBI background files and summaries -- I think everybody on this committee has -- it's because -- I can tell you right now that -- why Americans need to be concerned.

Frankly, in these files, it's all there: medical history, income and financial records, possible past drug use or alcohol abuse, and the confidential opinions and rumors of colleagues and neighbors -- you name it, even whackos, what they say sometimes happens to be in these files.

Sometimes it was under T1, T2, T3 because these people won't give their names when you have to say the most scurrilous things.

And we on this committee, I think, have done a very good job through the years on both the Democrat and Republican sides to sift through these materials and not allow anybody to be besmirched. But you name it, those type of things are in these files.

These files and summaries are so private that even when the Senate is exercising its constitutional advice and consent role in reviewing judicial nominations, White Houses have insisted for years that committee staff be present when senators -- when even senators review the files to assure that the integrity of the files are

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maintained.

Yet unverified tidbits, juicy gossip and personal information were simply turned over to some political partisans in the White House whose job it was to search for derogatory information.

In quotes, "For at least 408 men and women, these most personal and private of matters were in the possession of at least two long-term Democratic operatives, who, using White House resources, simply asked for them. The FBI gave them what they asked for, no questions asked. As a result, the aspirations of more than 400 people have been compromised by the knowledge that personal information could be used against them at the whim of partisan political operatives. Quite simply, this was a deeply disturbing flagrant abuse of power."

And I would remind my colleagues that it was not only the well-known Americans like a secretary of state or a White House chief of staff whose privacy was violated, public-spirited Americans from all walks of life -- some right out of college, some working as interns who came to serve their country -- have had the most personal of files exposed to political operatives working within the administration.

According to the FBI, this White House has requested name and background checks on more than 22,000 individuals.

HATCH: This stack right here. This huge stack of paper right there. Just look at that.

UNKNOWN: You want to hold those up?

HATCH: I can't lift them. I don't think I could do it twice.

(LAUGHTER)

I assume that the vast majority of these requests were legitimate, and I think that assumption is probably well-placed. But this huge stack of paper is the purged list of names on whom requests were made for 1993 and 1994 alone.

We do know that 408 of these 22,000 inquiries were improper. Unfortunately, the only basis we have for knowing that there were only 408 unjustified requests are the assurances of the White House.

Once again, as in the White House's abuse of power when it

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misused the FBI in the Travelgate fiasco, the White House dissemblance peddling operation has kicked into gear. First they said that improper requests were made to complete unfinished background information folders. Then the story was that the documents may have been requested in response to a GAO request. That dissemble had a short shelf life, so the story changed yet again.

The files, an unnamed White House official said, were requested as part of an effort to collect FBI background reports on permanent White House employees. According to the White House aide, the fact that Republican files were requested was an innocent bureaucratic mistake made by a civilian Army detailee working off of an inaccurate list provided by the Secret Service. The detailee, Anthony Marceca, told the press, "I worked off the Secret Service list. I didn't know who these people were. I just processed names." Names like James Baker and Ken Duberstein.

And this veteran Democratic political operative didn't know, "who these people were." According to White House senior adviser George Stephanopoulos, those who had raised concerns now owed him and the White House an apology.

This arrogance of power has permeated this White House and is perhaps the root cause of this episode. To suggest that the American people, the Congress and the victims of this flagrant abuse of power should apologize to anyone is appalling. Chief of Staff Leon Panetta, to his credit, issued a belated apology.

No thanks to the White House, we now know that much of what the White House told us two weeks ago was false. We have learned through no help from the White House about Mr. Livingstone and Marceca's intense involvement with partisan politics.

The Secret Service has told us that it could not have produced the list Mr. Marceca was using. We have learned, no thanks to the White House, that the acquisition of these files was, "unquestionably unjustified."

We've also learned that, according to Mr. Livingstone, access to these files was not limited to Livingstone and Marceca. We now know that an FBI "preliminary criminal investigation" of the White House has been initiated -- at least that's what The Washington Post says.

So, as we begin this hearing, the most ethical White House in history is facing another criminal investigation of itself. Although she had originally instructed the FBI to conduct a preliminary investigation, Attorney General Reno will today, it's my understanding, will seek to have the independent counsel's

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jurisdiction expanded so that Mr. Starr may conduct this investigation.

HATCH: The attorney general concluded that it would constitute a conflict of interest for the FBI to investigate an improper episode involving both the White House and the FBI. Personally, I think this is a prudent step, although I would have gone along with the FBI investigation.

Given Mr. Starr's record of fairness and thoroughness, I believe the nation will have greater confidence in the integrity of the department's investigation and I commend General Reno for doing this and respect her for it as I have in the past.

Now, I've wanted this presidency to succeed. I've argued from the beginning that President Clinton should come clean and shed himself of these ethical tribulations. Not only has he not done so, he has bent over backwards to protect those who have gotten him into these predicaments, and this only heightens some of our concerns.

This is an issue that transcends political party. Unless this Congress acts to restore public trust in the FBI, the White House and in our ability to maintain the integrity of government held files, our national security and privacy protections risk permanent damage.

Today we are going to hear testimony from some of those whose files were violated. We will also learn more about the FBI's internal inquiry and what role, if any, the Secret Service may have had in this matter.

I'm really concerned about individuals who no longer work for the White House who are ordinary people who really feel very abused by this process, and I think rightly so. And I look forward to hearing today's testimony and we'll move on from there.

Now, I want to make just one other brief point. We received at midnight last night from Mr. Jack Quinn, the White House counsel, a response to the letter that we had sent last week to White House Chief of Staff Mr. Leon Panetta. Two features about Mr. Quinn's letter are noteworthy.

The first is that he said, to my surprise, that the White House will not perform any internal investigation of this matter. The other point is that the White House did not respond to most of our inquiries. And I would like both letters to be placed in the record at this point, so we will do so.

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Senator Biden.

BIDEN: Thank you very much.

Mr. Chairman, you know of my great personal regard for you. I'm a little disappointed, though, at the outset of this in that it seems to me we should have the trial before we have the hanging. We should hear the facts before we make a judgment. I see your staff just put up, I don't know what relevance it has to anything in terms of the inquiry, "'I promise the most ethical administration in the history of the Republic' -- President Bill Clinton."

This has the slight aura of a political undertaking rather than a factual undertaking, but time will tell whether that's true or not. I hope my instinct is wrong. I hope that we are going to look for the facts.

I'd also want to suggest that I think it's very important at the outset, because I know how confused new members of the Judiciary Committee are over the last 23 years I've been on this committee, about how to handle FBI files. As a matter of fact, I recall in hearings for Supreme Court justices you and I having to, me as chair, and having to stop the hearing because senators were inappropriately quoting from FBI files.

BIDEN: So even senators sometimes don't know, no senator in particular, but understandably, it's a complicated area.

So I think it's important to set out at the outset why there's even FBI files, because I find when I go home people wonder, well, why do they have an FBI file.

There's a lovely young woman who's a daughter of a constituent of mine, a very prominent Republican whose name came up in this file. People are asking me, why would they want her FBI file? Who would do this? What's going on? Well, I think it's important to set, for us to be able to, at least for me to be able to understand what happened here, how this works.

I want to note for those who may be unfamiliar with the process that every administration keeps FBI background files on all persons, including employees who have regular access to the White House and its grounds. Such employees include not only those who serve the president's office staff, but also those who keep the White House running, everyone from the C&P telephone workers to gardeners and kitchen help.

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The FBI information obtained on all these employees is used, supposed to be used, solely for the purpose of ensuring that those who can walk unescorted through the White House present no security risk to the president, his family or government officials of our nation as well as any visiting nation. And all those who work in the White House premises have to have that clearance.

Unfortunately, recent episodes -- a plane crashing into the White House, automatic weapons attack damage to the White House, just to name two -- illustrate that more than ever, the unstable and dangerous nature of some people who seek to do harm to those who work in the White House. Protecting the safety of everyone in the White House is of paramount importance and it is to this end that administrations after administrations have sought background information from the FBI for all those who have passes to enter the White House grounds.

Now, that's ostensibly the reason why anyone would do a background check on some kid who is 22 years old who works as an assistant to an assistant to an assistant in the Press Office, for example, as well as the secretary of state.

Now, we convene these hearings today, at least I hope, to look into what appears to be a serious breach of privacy that occurred when FBI summaries of background information on former White House employees were improperly obtained by those from the White House, those who now work in the White House and through the FBI.

The overriding goal of this hearing, in my view, must be to examine the failures of both the White House and the FBI to have appropriate procedures in place in handling confidential background information and then to identify the changes necessary to ensure that such a breach of privacy never occurs again.

The public deserves to have confidence in how their federal government handles personal and private information because every American at some point entrusts the government with personal, financial and other data whenever they file a tax return or other federal form or application.

The breach of privacy that occurred here is thus a breach of trust with every citizen in the United States. Those of us who work in the government and have control over or access to sensitive information about other Americans, it seems to me, have a special obligation to handle the information with the greatest respect and confidentiality.

BIDEN: The members of this committee have personal experience, as you reference, Mr. Chairman, with this grave duty. In the course

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of reviewing judicial nominations, this committee receives from the FBI not just several page summaries, the kind of summaries that are in question here, which are narratives of a much longer file, but detailed multi-page FBI background investigative files on each nominee that, in my view, are basically a cesspool.

They write down -- The FBI writes down everything anybody tells them. They walk next door to the neighbor and say, we're investigating John Doe who's going to be a nominee for the Supreme Court, or for whatever. What do you think of John Doe?

And, because John Doe's dog may have ripped up their petunias and they don't like one another, you may have someone say, well, you know, I think John Doe probably is on drugs, the way he lets his dog run around. They'll write that down. That will be written down. They probably think John Doe is on drugs the way he lets his dog run around.

Now, they don't attempt to -- it's not their job to corroborate, confirm or prove/disprove any statement made. That's not what this file does.

But that's one of those big files. Excuse me, may I reach over here? These are individual names, but some FBI files are that thick; a single file is that thick. And it has that kind of garbage in it. A summary is literally something that is that thick. And all it does is give a narrative of what this big file, which is not always that big, says.

Now, I'm going to discuss the difference between these two kinds of reports in a moment, but I want to note the extensive security measures this committee has always taken -- when Senator Kennedy was chairman -- since I've been here -- Senator Eastland, Senator Kennedy, Senator Thurmond, Senator Hatch and myself -- has always taken to ensure absolute confidentiality of FBI information we receive.

For example -- I'll only speak to the time when I was chairman -- we operated under a memorandum of understanding with the Reagan and Bush administrations that set forth strict controls on access to FBI reports. One, only a limited number of staffers working for the chairman and the ranking member were permitted access to these files. We had to name who they were. We had to give those names to the White House and the Justice Department.

Those staff members themselves, then, before they could have access, had to undergo their own investigation. They were -- they had a background check done on them by the FBI. They sought security clearance, they received clearance and then they received special

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training from Senate security on documents security, on how to handle them.

When the committee received a file from the FBI, a cleared staff member signed a receipt on taking custody of the report and entered the file into a log that the Senate maintained. The files were kept in locked safes, inside an office that was locked at all times. Only people with security clearance named, and there were less than a handful, had keys to the office and the combination of the safes.

Whenever another cleared staff member or a senator on a committee requested a file for review, it was entered into a log. No copies were made of any pages in the FBI file at any time. If a senator wanted to see the file I instituted a policy, which I think is still the policy.

BIDEN: The cleared person would take the file to the senator's office and not leave the senator, sit there and watch the senator read it. The senator was not able to make notes or copies of it. It was handed back to the security officer, taken back to the safe.

As soon as the committee completes its work on a particular nominee, the FBI file in question is returned to the FBI. We don't keep them.

Now, this kind of scrupulous care was, in my view, owed to the nominees as well as to the public who count on the integrity of this committee's review process.

Unfortunately, it doesn't appear as though that necessary level of care was given either by the White House or the FBI in handling the background subjects -- summaries on White House employees. The process in question, as I understand it, involved obtaining -- and I want to say as I understand it, because hopefully we're going to get this nailed down through the period of this hearing -- as I understand it, it involved obtaining previously prepared background summaries on so-called holdover nominees.

For example, none of the witnesses here today would be here today if, in fact, they were held over by the White House and hired on by the White House. If they had been -- said we want to stay on in the job and the White House said, yes, we want to keep you on in your job, as occasionally occurs from White House to White House, then it would have been totally appropriate for the White House to ask for their files.

Let's be clear what the inappropriate nature was here. The

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inappropriateness was asking for a file of someone who no longer worked in the White House, no longer sought clearance, no longer wanted to be there and no longer would have access. That is the problem.

That's what we're looking at here.

I used to work for a lawyer named Sid Bailey (ph). He's a great trial lawyer and he used to -- when he was teaching me how to try a case, he'd say to the jury, always start off and say, now I want you to keep your eye on the ball. Keep your eye on the ball. The issue here is not whether my client's a good-looking guy, not whether or not my client you'd allow to go out with your daughter, not whether my client is a nice guy. He's a rotten, ugly guy you wouldn't let go out with your daughter. The question is did he murder Cock Robin? That's the issue -- not whether he's a bad guy, not whether he is a no-good son-of-a-gun, not whether he's ugly. Did he murder Cock Robin?

The issue here is, as I see it, and I may be educated differently, is were the files obtained -- that were obtained on people who no longer needed or wanted clearance in the White House? For if they were, then it's totally appropriate.

And there's a lot of people who hold over. Come the first day of the new president taking his term, everybody in the White House doesn't leave. It's not like bang, everyone's gone. The secretary of state's gone, but the assistant to the assistant who did the door, who did the what may still be there.

And so the issue here is -- keep your eye on the ball. What was the bad thing done? The bad thing done was, at a minimum, people who no longer were associated or sought clearance had their summaries of their previously conducted investigations, which were on record during their tenure in the White House with the Bush administration, now sent back to archives or to the FBI, requested, because someone either thought they were still going to be around or knew they weren't and wanted to dig up dirt on them.

But it's -- if in fact, any of the people before us today were going to stay on -- for example, Mr. Billy Dale, a celebrated person these days is going to testify.

BIDEN: If he had stayed on as the head of the Travel Office, it would have been totally appropriate to ask for his file. Kind of funny, isn't it?

But any rate, so the point here is the process in question, as I

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understand it, of obtaining previously prepared background summaries on so-called holdover employees, individuals that worked for the Bush administration and were to be retained by the Clinton administration. But those files, all of those people's files had been archived by the Bush administration, which is appropriate, before President Clinton took office.

To reconstitute the security files on holdover employees, the White House had an obligation -- if they did it right -- had an obligation to request from the FBI copies of previously prepared background summaries on those who were staying on. Those that were staying on. It had no obligation and it was inappropriate to request those summaries on people who weren't staying on.

And I might point out summaries are the lowest level of the FBI report -- nothing anyone should see, I acknowledge -- but they are the lowest level, generally consisting of no more than a few pages of narrative summary of information obtained by the FBI during the investigation. Summaries provide limited information as compared to the often voluminous complete background files, which include raw data reported to the FBI in the course of their investigation.

In requesting the files, the White House apparently used a process and forms developed and used by four prior administrations -- the actual form. The FBI processed these requests that they got in a form, a box was checked -- I'll go into that later -- routinely, apparently as it had done under previous administrations. Yet, neither the White House nor the FBI took the basic necessary step, in my view, based on what I know, of ensuring that the requests were limited to employees who were actually being retained by the Clinton administration.

Keep in mind, if they were being retained, it would have been totally appropriate and necessary to do this. As a result, over 400 files were -- that we know of -- were unnecessarily and improperly obtained by the White House and maintained for some time until the mistake was discovered by the White House -- not by anybody else, by the White House -- and they were first sent to the archives and then recently returned to the FBI.

It's unnecessary again in the sense that these people were not being retained by the White House.

It's imperative, in my view -- and I'll finish, Mr. Chairman -- that we determine how this failure could have occurred, and that we identify the changes in policies that must be implemented immediately to ensure that no such breach ever occur again. To the best of my knowledge, the concern that someone's reputation would be besmirched or they would, in fact, be blackmailed or they'd be used politically

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is a concern, but none that has been raised. There's no evidence anybody has been besmirched, anybody has been anything.

Now, both the White House and the FBI have already proposed changes in how they will handle requests for FBI information.

BIDEN: We need to discuss today whether these changes are adequate and what more, if anything, need be done to restore the confidence of the American people in the handling of the sensitive information by the federal government.

Finally, there has been some speculation -- as I heard from you and others, Mr. Chairman -- about whether these failures in the process occurred mistakenly or the intent -- or with the intent to improperly gather information for political purposes.

I am unaware of any evidence that shows an improper rather than mistaken intent. I'm not suggesting I know there was none. I know of none that's been offered yet.

Moreover, it appears to me that the process used -- seeking summaries, which contain the least amount of FBI information, for example -- would not be the best place to dig up dirt. If you really wanted to do a job like the old days, you would go for the raw file. None were requested that I'm aware of.

Nonetheless, the speculation raises a serious charge, and many questions are unanswered at this time. These questions also must be resolved if we're to reassure the American people that their trust in their government is well-placed.

I look forward to this hearing -- that's a lie, I really don't look forward to this hearing, I hate these kind of hearings.

(LAUGHTER)

I hate these kind of investigative hearings. It's our job to do them but my staff has written here, "I look forward to." I don't look forward to this at all.

(LAUGHTER)

... In discussing how we can implement changes -- this part I do look forward to -- how we can implement changes that will protect the

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privacy of all citizens who entrust their government with sensitive personal information.

And I suspect that my colleagues would acknowledge, although others have been equally as concerned, I don't think there's ever been anyone in the last 20 years who's been more concerned about privacy than this senator in terms of how I've run this committee when I ran it, and in terms of how I deal with notions of privacy.

So I take it very seriously. At a minimum, there seems to be serious, serious, serious breaches in security. And at a maximum, we will see.

And so I look forward to the -- finding out the facts, Mr. Chairman, and I thank you for the time.

HATCH: Well, thank you, Senator Biden. I know my colleague from -- I appreciate your remarks and I know my colleague from Delaware is not suggesting that the wrongful access to an FBI file summary is any less egregious than access to a full file, because the summary purpose is to draw out and summarize the problems and allegations contained in the full file. So the summary is just as sensitive as the full file.

I know my colleague believes that, as I do, and I commend him for when he was chairman -- and since, since I've been chairman -- we watch these files with great care, as we should because we know that there is a lot of information in these files that just isn't true. But the FBI has a job to take down these comments and we have to sift through them and do an honorable and good job and I think this committee has done that, for the most part, for the whole time I've been on it.

BIDEN: Mr. Chairman.

HATCH: Yes.

BIDEN: Excuse the interruption. I want to make clear...

HATCH: Sure.

BIDEN: ... why the distinction I make between the summaries and the FBI files.

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We -- this committee does not accept summaries. Other committees do. The reason we don't is we know they're incomplete, and we know they don't have all the information we want.

My only point is if someone really wanted to get information about someone, the place they wouldn't go -- if they had no other place, they'd go to the summary. But if they really want to go someplace, they'd go to the raw file. That's the one that contains all the garbage. That's the one that contains all the uncorroborated stuff.

So the summary would say basically that the next door neighbor doesn't like the person. The raw file would say, I think he's on drugs because his dog comes and digs up my petunias. There's a difference.

HATCH: Yes, there is.

BIDEN: That's why we don't accept summaries on this committee.

HATCH: Well, Senator Biden has also suggested that the White House discovered and volunteered the fact that 408 files were wrongfully acquired. This is not the case.

The White House fought a House subpoena, and the White House did not disclose the fact that there were improper requests until the FBI general counsel contacted the White House at the initial stages of his investigation on June 5th of this year.

HATCH: But be that as it may, none of us look forward to these kind of hearings. To be honest with you, I don't either. But let's begin.

Our first panel of witnesses consists of private citizens whose names were on the list of FBI files wrongly...

(UNKNOWN): Mr. Chairman. Mr. Chairman.

HATCH: ... obtained by the White House. Yes.

(UNKNOWN): Are we going to have any chance any of the rest of us to make any statements?

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HATCH: You can do that during the time that's allotted. We're going to allot at least eight minutes for everybody on the committee.

(UNKNOWN): Mr. Chairman.

HATCH: If we go to statements, we're going to...

(UNKNOWN): We were told that there'd be opening statements of seven minutes each.

HATCH: No. Not by me, you weren't. No. We've always handled it this way as far as I recall that the chairman and the ranking member make statements for the respective sides and we, if you want to make a statement, you'll have time to be able to do so.

SIMON: Mr. Chairman, if I could, and I'm only want to be a three-minute opening statement. I think we're dealing with something that is not of the usual character. And I think opening statements here are -- I would like to have an opening statement, I know, and if you want to make it three minutes, fine.

But I think we're dealing with something that is serious here. And...

HATCH: OK. I think -- that's not an unreasonable request. Why don't we grant three minutes to everybody to make an opening statement.

SIMON: Good.

HATCH: And I just...

THURMOND: (OFF-MIKE) to make opening...

HATCH: Well, I understand, but this is an important thing and I want to make sure both sides have the full opportunity. We want to be fair to you. And you what?

Let's turn to Senator Thurmond then for any comments he has to make.

We're going to limit them to three minutes. Please when you see

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the red light come on, let's stop.

THURMOND: Mr. Chairman, I want to commend you for convening today's hearing to shed light on the troubling development recently uncovered at the White House.

The America people have a right to know the details and intentions of requests from the Clinton administration to the FBI for sensitive background files on private citizens.

FBI Director Freeh has ordered new procedures to protect sensitive background material following the disclosure of the Clinton White House request for FBI background files. Director Freeh has said that the White House had no justification for gathering these files and that the situation was an egregious violation of privacy.

Director Freeh said that the request from President Clinton's operatives in many instances served no official purpose, and at one point, he stated that the FBI had been victimized.

The White House has said that its collection of FBI files of private citizens was an innocent mistake. This is their response before the facts are examined, and seemed to effect an instinctual reasoned reaction by the White House anytime questions arise concerning their operations.

The facts have yet to be fully examined. And it strikes me as premature and politically convenient to describe this situation as a bureaucratic snafu.

Initially, the White House would have us believe that Mr. Marceca was a random detailee from the Army who had been arbitrarily selected to work temporarily at the White House.

THURMOND: We have since learned that Mr. Marceca who, along with Mr. Livingstone, handled the sensitive files, is actually a seasoned Democrat political operative. They both have extensive political campaign experience. Mr. Marceca sought the post at the White House to work with his friend Mr. Livingstone, and the White House wrote to the secretary of defense, requesting his assignment.

Mr. Chairman, as you know, we are at this point because the White House only recently turned over documents pursuant to a long-ago subpoena from the House Oversight Committee. In fact, the White House has yet to fully comply with a Congressional request for documents.

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Within the documents submitted, the House Oversight Committee found that White House requested FBI for sensitive background files on Billy Ray Dale. The request for FBI background on Mr. Dale was dated seven months after he had been wrongfully fired as head of the White House Travel Office. It was only after this was discovered by the House Oversight Committee did the White House admit it had collected FBI reports on hundreds of private citizens.

Mr. Chairman, this is an important hearing because right now, we have more questions than answers. The American people demand accountability. The American people want to know what right Clinton administration officials have to romp through sensitive FBI files of private citizens.

This latest troubling development within the Clinton administration represents a dangerous practice and one that deserves careful scrutiny.

Thank you, Mr. Chairman.

HATCH: Thank you, Senator Thurmond.

We'll turn to Senator Kennedy.

KENNEDY: Thank you, Mr. Chairman. I commend the chairman for convening the hearing so that we can get to the bottom of the incident. Serious questions about respect for the right to privacy are involved. The American people have a right to all the facts so that we can end the rampant speculation and guarantee that appropriate safeguards are in place for the future.

I understand that Attorney General Reno has today agreed that Special Prosecutor Kenneth Starr should conduct a full investigation. I commend the attorney general for going to extra mile to reassure the American people about the facts in this case.

Privacy is one of the most basic American values. When government violates the privacy of its citizens, whether accidentally or intentionally, there is cause for great concern. It is ironic that this Republican Congress, which has been quick to undercut civil liberties in other areas, has suddenly discovered the right to privacy in this situation. This uncharacteristic concern is obviously driven by the presidential campaign politics.

I welcome the improvements in the White House security operation announced by Chief of Staff Panetta, including the appointment of a

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career law enforcement professional to oversee the Office of Personnel Security at the White House.

Clearly, the privacy rights of several hundred individuals were violated in 1993 when the summary of their FBI were forwarded to the White House. There is no evidence -- no evidence -- that this violation was malicious. Indeed, the only evidence clearly indicates that it was inadvertent. Only the files of individuals with last names beginning with the letters A through G were requested, which suggests that the incident was an honest error. But it's appropriate for this committee to make sure that nothing more was afoot.

In my view, partisan rhetoric and overheated comparisons between Watergate and the sloppy procedures surrounding these White House access lists are wholly irresponsible. The reasons Republicans are furiously fanning the flames of the FBI file flap is that they have nothing else to discuss in the campaign year.

They don't want to talk about jobs. They don't want to talk about Medicare, education, the minimum wage, health care, the environment or any other priority issue the American people care about.

KENNEDY: This hearing will tell us something about careless procedures. But it tells us much more about the sad state of the Republican party in 1996.

HATCH: Thank you, Senator Kennedy. Senator Simpson?

SIMPSON: You want us to...

HATCH: We're just going to go straight down. We're just going straight through.

SIMPSON: I just walked in. (OFF-MIKE) come right back.

HATCH: Oh, Senator Grassley, then?

SIMPSON: Thank you.

GRASSLEY: All I can say is that, here we go again. Because this isn't the first major breach of security in the Clinton White House, where private citizens were the victims. Incredibly, I've heard some say that this is no big deal, because, as far as we know, nothing was

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released. Or it was just some sort of bureaucratic snafu.

Well, if it was just a mistake, it was effectively one just waiting to happen. When you put political hacks in charge of FBI files at the White House, where interns and others without any clearance have access to the files, it's a disaster just waiting to happen. Anyone who didn't realize this is guilty at least of malfeasance.

It's an incredible and truly unfortunate state of affairs that the Clinton White House has created. And I'm sorry that the witnesses before us have to be before us today.

This, of course, is a sorry episode that every American should be concerned about. And I'm personally offended since at least one of the persons on the infamous list is a former staffer of mine.

The FBI says that it has now put in force new procedures so that these kinds of shenanigans can't happen again. I hope that's the case. But we'll all have to wait and see, because I know that, for the last three years, the FBI has been a pushover for requests from the White House when it came to providing personal information on private individuals whose politics differed from the White House. It'll take some time before the FBI restores that reputation.

Again, besides Chairman Hatch, we all need to thank Chairman Clinger at the House side for his dogged pursuit of this issue. If he hadn't persevered, the White House would still be hiding these documents under the claim of executive privilege.

Now, we've heard that there's no evidence that any one individual been harmed; nobody's been besmirched. But I say, yes, people have been harmed. They found that they can't trust their government; the government that promises protection of privacy.

This is about personal lives of private individuals. There's no justification for this invasion of privacy whatsoever. Besides -- you know, until recently, we all thought the FBI is some sacred institution in America. And I think most people still believe that.

But it would be useful -- it's been used for political purposes and it's impossible to justify the FBI being that.

GRASSLEY: Where will it end? Who's safe? Well, we got to make sure that it ends and we got to be sure that people are safe from political intrusion in their private lives.

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HATCH: Thank you, Senator. We'll go to Senator Leahy.

LEAHY: Thank you, Mr. Chairman.

I am concerned about the way the FBI background files are being pursued. I believe the Office of Inspector General at the Department of Justice would be the better choice for that investigation. I think turning it over to special prosecutor staff is not the best way when you have the Office of Inspector General.

Mr. Starr has been extremely partisan in his effort so far, also extremely expensive in the millions and millions of dollars of taxpayers' money he's spent.

He's been partisan in his efforts. He's been partisan in his press relations. He's turned a blind eye to numerous obvious conflicts of interest in his own law practice. So I think the OIG would be better. I just mention that because of the situation he find himself in.

But I'm more concerned about the manner in which we're proceeding today. There's been depositions or interviews of various individuals in this thing. My staff has not been invited to attend those sessions. I was handed the transcripts as opening statements began.

Now, if these hearings are intended to be substantive and not merely a partisan show, the procedures we follow to prepare for these hearings must be conducted in a fair and a thorough and a bipartisan fashion, and they have not.

And to have dueling hearings on both sides of the Capitol over the last two days, to proceed at breakneck speed before any members of any congressional committee have had the benefit of an opportunity to investigate and separate fact from fiction, I believe is ill conceived. We could actually end up harming, rather than protecting the privacy rights of citizens by our haste.

We have two models for investigative hearings in this Congress. One was the Ruby Ridge hearings. That was conducted by this committee. They were thorough, they were bipartisan, they were substantive, and we took the time to do it right. They led to a report that made several constructive recommendations and that report was endorsed virtually unanimously by Republicans and Democrats alike.

The other hearing was the so-called Whitewater hearing.

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Extraordinarily expensive, it's bitter, it's partisan. The Whitewater Committee said they only wanted to demonstrate to the American people their own high ideals of ethics. Well, no one was fooled. They divided not only the members of that committee, but the Senate and many Americans. We should not head down that path.

What the White House is alleged to have done is stupid, and we all agree on that. But the rush to judgment of this committee smacks of partisan election year politics. It does not have to be that way, we could have a thorough, bipartisan investigation of this without making it look like we're trying to get involved in presidential elections.

HATCH: I'd just like to correct one thing. Senator Biden's staff was with our staff and was invited to participate in every bit of this.

LEAHY: Well, thank you very much, Mr. Chairman, but I, again, we're doing...

BIDEN: Some, Mr. Chairman, but not all of them.

LEAHY: Yes.

HATCH: Well, I mean you were asked to participate. We're not going to have 40 staff members interviewing people, that's beyond the (OFF-MIKE).

LEAHY: But, Mr. Chairman...

BIDEN: No. We would not ask for all of them, Mr. Chairman.

LEAHY: I would note that on Ruby Ridge, which went into questions of this administration and past administrations, we did it in time enough so that Republicans and Democrats alike could look at it.

LEAHY: And that's why Republicans and Democrats supported the findings of that hearing.

HATCH: This isn't a year-long investigation. This isn't Ruby Ridge.

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Senator Specter?

LEAHY: Obviously.

HATCH: This is -- No. We're moving ahead on this as quickly as we can. Or Senator Simpson, I'm sorry. I skipped over Senator Simpson before. Could we take him first?

SIMPSON: Well, I'm glad I came.

(LAUGHTER)

Now, wait, where were we?

Well, I've been on this committee for nearly 18 years. And I have seen some remarkable diversions from our course by Democrats and Republicans. I've seen dueling hearings. I've seen the October surprise, the December surprise, the March surprise -- you line them up and we got them. Boy, did we get them -- right during an election year, one after another, an interminable pile of hearings from our -- those of the other faith.

So I've been there. So maybe we ought to just stop right there on that one, and just know that that's the way it is. And any of us that try to show the American public that that ain't the way it is, is a total diversion from reality. That's the diversion.

But something is wrong here. At least, I thought to myself -- when I get an FBI file -- and I think Orrin Hatch and Joe Biden know so well -- when we get a file, we have to have an FBI agent sitting there while we go through it.

And this was just wholesale peddling. Every time I go through an FBI file, I have to do it in the presence of an agent, and so does everyone on this panel.

And somewhere at the White House, they misfired in an extraordinarily, not just stupid, but it violates all sense of what FBI files are about, at least to the American people.

So, I guess it's like that movie of the Sundance Kid and Butch Cassidy -- my grandfather represented Butch Cassidy. It -- the question is...

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(LAUGHTER)

... who are these guys.

BIDEN: The question is why did they jump holding hands off that cliff? That's the part I never understood.

(LAUGHTER)

SIMPSON: Well, they didn't die in Bolivia. I'll tell you that.

(LAUGHTER)

But the question is who are these guys? Who are these people, these low-level bureaucrats?

They're not low-level bureaucrats. They were Democratic political operatives. That's going to come out. And I think it's something we need to probe, and we will. And that's why we're here.

But I misfired the other day myself when I quoted Shakespeare -- and it wasn't Shakespeare who said it, but boy, you don't want to miss what it said. It was Sir Walter Scott. And it was very simple: "Oh, what tangled web we weave when first we practice to deceive."

And that's what this whole thing is -- getting caught, covering up. And there's a time, in this hearing before these people and before the Congress, that you can do everything but lie. And for lying, you can go to the clink, and that's where this stuff is headed.

HATCH: Senator Heflin?

HEFLIN: Well, I certainly feel like privacy is a right that needs to be fundamentally protected and perhaps the hearings, regardless of facts and the party policy and partisan aspects, should give the American public a deeper appreciation of the right of privacy.

HEFLIN: We realize that FBI reports are necessary and that only authorized personnel should review them.

We realize, I think, that in this instance, that people that work

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in the White House and who have access to the corridors moving back and forth could present a risk to high-level officials, including the president. So therefore, there is a need for a background check on those individuals in regards to it.

But there is no need in regards to those that do not have access or are moving out, or if there is any improper purpose.

I think Senator Biden pointed out the difference between the summary and a file. And it appears to me that if I was trying to dig up dirt on an individual, I'd have to go to the big file.

I'd have a summary that would tell me something about it, but if I were going to use it for political purposes, or to use it to prove that I was right on somebody in the past, I would have to go to the big file and go through the details of it.

So I think we have to focus were there any big files? Did anybody go through the big files? And I think that is going to be a key relative to this issue that we ought to be concentrating on.

HATCH: Senator Specter?

SPECTER: Thank you very much, Mr. Chairman.

I believe that it is indispensable that our committee conduct a comprehensive non-partisan, bipartisan inquiry without rushing to judgment and find the facts. This is a matter of obvious importance.

When you talk about civil rights and civil liberties and privacy, we're talking about the fundamentals of American democracy. The tradition in our country of objecting to governmental excesses goes back to the founding of the country with our response to what was done by King George of England.

And we have had in our nation's history governmental excess. And there's a long line of concern as to what the FBI did under the administration of Director J. Edgar Hoover. And there have been concerns as to what the FBI has done in recent times focusing on Watergate.

What I think we need to do is to take a hard look at the facts. And I think it's a rather fundamental process.

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SPECTER: I believe we have to make a factual determination as to who in the White House made a request for the records, and what the purpose was of that individual and whether that individual was under any specific instructions from a supervisor or superior, and whether that supervisor was under any instructions from anyone else, and go right up the chain to see precisely who was involved in the request, and to find out exactly what files were looked at and what the purpose was for looking at each file, and follow the facts wherever they lead.

I think Senator Leahy's point is a very valid one, in looking to the inquiry which the subcommittee on terrorism conducted on Ruby Ridge. That's a subcommittee which I chair. And we took great pains to be sure that the full subcommittee was kept informed and almost all of our decisions were unanimous.

Senator Kohl was Ranking Member and we conducted that inquiry in a non-partisan or bipartisan manner. And I think we got the facts, and we had a report, which was agreed to with only one -- as I recall it -- additional view having been rendered.

And I think we need to do that here.

It is true that it is an election year. But that is the year we're in. It's 1996.

And I would hope that we would move ahead and finish our inquiry very, promptly. It would be a good inquiry to have finished before we terminate in July, so that we do not carry over into the fall, and do it as speedily as we can and as far removed from the presidential election as we can.

We don't have any choice about the time. We ought to do it as fast as we can.

One point worth mentioning at this juncture, and that is that the Intelligence Committee, which I now chair, made recommendations under the chairmanship of Senator DeConcini in 1994 to the White House when there was a request for a security review.

And the first recommendation made by the Intelligence Committee was that a Secret Service agent be assigned as a full-time director of security -- that is the position which Mr. Livingstone apparently had -- and that full-time director under the Intelligence Committee recommendation was to provide a non-partisan overview of all security-related functions for the White House Office of Administration, including personnel matters.

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And with what has happened here recently, we will be taking a look at the Intelligence Committee, at least as to that aspect as to what happened.

But there is no doubt about the importance of privacy. There is no doubt about the fact that FBI reports -- investigative files which have all sorts of raw information -- they do not make an evaluation as to what is true or correct, and have raw leads, all sorts of information, very high priority of secrecy and confidentiality and that there not be a misuse.

And I think that this committee can do an appropriate, prompt, non-partisan judicious inquiry. And that's what I think we need to proceed to do.

HATCH: Thank you, Senator Specter.

Senator Simon?

SIMON: Thank you, Mr. Chairman. I want to join in commending you for having the hearings.

We held hearings just recently in this room on Whitewater, and the basic question was, was there an abuse of power by Bill Clinton, either as Governor of Arkansas or President of the United States, or by his administrations?

And I, while we ended up with a very partisan kind of response from the committee, I think any objective observer would come to the conclusion there was not an abuse of power.

Here, however, we have an abuse of power. I am not suggesting it is by the president, but it is in the White House, and we should treat it very, very seriously. The history of nations is that governments find one excuse or another to abuse police powers. And our Constitution and Congress were part of the bulwark against the abuse of those police powers.

I differ with my colleague Senator Leahy. I think Attorney General Reno did the right thing in going to the court and saying, give the special counsel jurisdiction here.

And I would say to my friends in the White House, be completely forthcoming. Don't reluctantly put out the information. Let's find what is the bottom of all this.

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I agree with Senator Specter. We need a thorough, fair, bipartisan or non-partisan hearing. We shouldn't trivialize this issue by getting it enmeshed in politics.

And, Mr. Chairman, I think -- and this is a tough one -- but for you the question is, can we in an election year conduct fair oversight here? I think it's extremely important that we bend over backwards not to trivialize this, and to assure the American public we're taking this matter seriously.

HATCH: I think those are good comments, Senator Simon, and we'll certainly work with everybody on this committee to do exactly that.

Senator Brown?

BROWN: Thank you, Mr. Chairman. It seems to me this committee has a proper role looking at this matter. The privacy laws were passed in 1974 and transited through this committee in their mark-up. They were in reaction to the abuses of power by the Nixon administration and the violation then of people's right to privacy, and indeed the misuse of FBI files.

So we have a long role, at least in this committee, of responsibility for this Act. And I think it's appropriate to take a look at the Act and see whether or not it is functioning as it should, and if changes are needed, look at those changes from a legislative point of view.

I'm also concerned as, we come forward, to understand the reason for the dramatic increase in the request for files under this administration. I'm advised that in addition to the files that are requested here that have received so much notoriety, the 380-some files, or the 481 files, depending on which report you look at, that there's been a more than doubling of the number of files requested by this administration per year over files requested in the prior Bush administration.

That dramatic increase, I think, should have our attention. We should understand why that dramatic change in addition.

Mr. Chairman, I think this ought to be conducted in a bipartisan way, and I hope that the White House will cooperate with the committee to get the facts out. That's what we ought to be interested in.

I am concerned about the responses that we've received thus far.

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Your letter of June 13 asked some very pertinent questions and received some answers that are fairly described as non-responsive.

BROWN: You ask for the committee, who had authority to request FBI files? That's a logical question that I think deserves an answer.

The White House answer basically dodged the question. They said, "We've not undertaken to determine the identity of all persons with authority to request FBI files."

In other words, we're not going to give you an answer. They go on to name some people who had involvement. But, basically, they didn't answer the question. It's a logical question that ought to be answered.

You ask, who had custody of the files requested? That is a reasonable question in this case. It basically got a non-answer.

They said that, "To the extent we have information responsive to your question about the request for the chain of custody of any of the mistakenly obtained reports, please see..." and they list some other people's statements. That was a non-answer, though, in terms of being responsive.

Thirdly, Mr. Chairman, you ask, "What information from the FBI files on the seven employees was disseminated by the White House?" Now, that is an appropriate question because the question is whether or not this information was used to disseminate information in violation of the law.

The answer to that question was basically a non-answer, a non-response: "We've no information responsive to your question about responses from the FBI reports from members of Congress or their staffs."

That really was an answer to the question about whether they've used requested files from members of Congress. That's a non-responsive answer.

So, Mr. Chairman, what we've run into is a stonewalling by the White House. I think it is in their interest to get the answers out, to get the information made public.

If it is an honest mistake, I'm sure everyone will understand. But we want to see corrective answers. But, refusing to answer the

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questions is not adequate.

Lastly, Mr. Chairman, let me simply say this. As a Republican who was outraged by Richard Nixon's activity and thought it appropriate that he leave the White House, I listen with distress to the comments by the senator from Massachusetts earlier this morning. His questioning of my motives and other members of this committee is inaccurate and it's unfair.

Frankly, I, for one member, think the laws ought to apply to both Democrats and Republicans in a bipartisan way without regard to party.

HATCH: Thank you, Senator.

Senator Feinstein?

FEINSTEIN: Thank you very much, Mr. Chairman.

Mr. Chairman, when I first came to Washington, and particularly to this committee, and especially as a non-lawyer, and learned that the gathering of FBI data on a judicial appointment was much as Senator Biden has suggested -- somebody goes out and asks neighbors and acquaintances what do you know about this person, and then this goes into a file -- you come to really understand what an FBI file is and that it can be wrong and that it can be potentially very damaging to the individual.

Therefore, handling those files with great discretion and care and privacy is important.

FEINSTEIN: I think Senator Simon set the record very well straight in that regard.

I think for the people, at least those from California that have contacted me, the questions I'm asked is were the files an enemies list, or were they really appropriate to the running of the White House?

I want to just quickly state what I know up to this point, and the questions I'm going to ask.

One, as far as anyone knows at this point, the background files, as I understand it, went directly to the safe in the White House Security Office. They were never requested by anyone.

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I want to see if that's true or false.

Second, most of the names on the list are really of low-level White House staffers. There are only less than a half a dozen well-known names, is my understanding.

Third, I'm told the Bush administration removed and archived all FBI files it had collected and maintained on individuals who had access to the White House during that administration.

Next, I'm told in mid-1993, the Clinton White House Security Office undertook to recreate FBI background files for, one, White House employees held over from the Bush administration, and two, non-employees who required continued access to White House grounds in order to conduct business with the White House.

And I think we need to verify that.

I'm also told that this is a standard procedure that has been conducted at all White House transitions.

Now, according to the White House, we are also told that the computer program used by the Secret Service to track access to the White House was flawed, causing the Secret Service to send Marceca a list that was overly broad.

The Secret Service may have inadvertently sent Marceca names of individuals on inactive status, as well as those on active status.

We know that a White House security staff member who took over the project for Mr. Marceca after his detail ended, realized that the list Marceca had received from the Secret Service was overly broad.

And that staff member sent 350 extra FBI files directly to the safe at the White House Archives.

According to the White House, this employee realized the error after the Secret Service had corrected its procedures.

Now, we know the independent counsel and the FBI are investigating the issue. The White House and the FBI have apologized for the incident.

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The White House has placed one employee on administrative leave, and a long-time security expert has been put in charge of White House security operations.

We know the FBI has apologized for its long-standing deference to White House requests for information. A strong statement was made, and then a second statement clarified the earlier statement.

I am told the FBI and the White House have institute the following new procedures as a result of this incident.

First, all White House requests for files must be accompanied either by the consent of the file subject, or a White House letter to the FBI general counsel explaining why such consent cannot be obtained.

FEINSTEIN: The White House request for FBI files must now contain the actual signature of the official requesting the material. Officials must certify that the information is sought only for official purposes.

And White House requests for information will be reviewed by higher level rather than lower level FBI personnel.

I think, thus far, if this is correct, it's a stretch to think that this routine request was anything nefarious. And I think we need to ascertain from individuals testifying do they have any evidence that the files were used against them or were requested by anyone for any kind of unauthorized use.

I thank the Chair.

HATCH: Thank you, Senator. Let's keep our comments to three minutes. They'll slip a sheet in front of you that your time is up and we hope you can bring it to a conclusion.

Senator Thompson?

THOMPSON: Thank you, Mr. Chairman.

Mr. Chairman, I think the broader issue that we're dealing with here is the fact that there has been historically a consistent tendency by the White House to abuse and use the FBI.

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It goes back at least through the Roosevelt administration. The one we're most familiar with is the Nixon administration. It has been consistent and it has been bipartisan. It seems to be the nature of the animal.

The FBI has information and knowledge and that's powerful. The White House always seems to want it. That's what we're dealing with here.

The question is whether or not it's lower level or higher level, and we'll get to that. I agree with those that say we should wait to make those determinations.

But, you know, I'm struck by some of the comments earlier -- made earlier this morning. Some pretty heated partisan comments were made earlier, and some references to Watergate. I've resisted the temptation to talk about Watergate because, in most cases, it's not appropriate. But I'll talk about that for a minute because I was there.

In the first place, I think it's somewhat ironic that if we don't have Watergate now in any investigation that the investigation is somehow not worthwhile. In failing to realize that that was a unique set of circumstances where we had evidence -- that is tapes -- which definitively answered all the questions.

We had a resolution. Unlike almost any trial, and unlike almost any hearing, we had definitive resolutions to all questions and a president was deposed. That situation had never happened before and probably will never happen again.

These other investigations cannot be expected to live up to that.

And another point I'd like to make. When we -- before we start dividing ourselves up into Democrats and Republicans on this issue, and before Republicans start convicting people before the facts are in, before Democrats start circling the wagons and defending the president at all costs, I'd like to remind everybody that it doesn't have to be that way. That on the Watergate committee, there was a unanimous vote -- Democrats and Republicans -- when it came time to issue the crucial subpoenas.

It was a unanimous vote when it came time to issue -- to give immunity to John Dean even though it jeopardized his subsequent prosecution in many people's eyes, and the special prosecutor at that time was begging us not to do so. But Democrats and Republicans went ahead and did so.

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It was a unanimous decision by Democrats and Republicans on that committee to sue the president of the United States, Richard Nixon. I signed the pleadings as minority counsel on that committee.

So this is different. Watergate is different. This particular inquiry is different. Iran-Contra was different from Ruby Ridge and things of that nature because these matters have to do with the White House. It's very sensitive, partisan in nature.

THOMPSON: That's why we divide up these committees according to Democrats and Republicans is my understanding. There are some legitimate partisan considerations that we have with regard to these matters.

So it's very touchy. And it requires more of us as senators and individuals to be reasonable and to be bipartisan because of the sensitive nature of it. So let's not try to divide up too quickly.

Certainly, it is inappropriate to compare a beginning of any inquiry with the resolution of another inquiry which took months and months and months of hearings. We get the factual result of that and here the first day, people want to start making comparisons -- the front end of one enquiry with the back end of another. It can't be done.

I must say that I'm struck sitting here -- back almost to the month in 1973 over in the Russell Building, we had a gentleman by the name of Patrick Gray, Director of the FBI, testify before us. And he said that yes. He gave files to John Dean because he was the counselor to the president.

And as I read this FBI report here that says -- and with regard to the current inquiry -- that obviously considerable deference was shown by the FBI to the White House over a period of time -- the difference being that at least back in those days, apparently, the White House counsel and the director of the FBI were dealing with each other and supplying this information. And now it looks like that the lowest levels of both entities nowadays trade this information back and forth.

I'm struck by the fact that Daniel Schorr was used by the White House -- a ruse was used to get information on Daniel Schorr from the FBI under the guise of giving him a job. We know what happened to Mr. Billy Dale and the ruse that was used to get FBI information on him because they said that he needed access to the White House.

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Back then, we went to the wall on executive privilege, sued the president of the United States because he was claiming executive privilege with regard to documents and tapes.

Now, I read in the paper where apparently the president's still claiming executive privilege with regard to documents and information he says, on the other hand, that he never knew anything about, which is clearly inappropriate.

So, we will see. But I think those who say that we clearly have another Watergate are wrong and premature. But those who say that it can't be anything like that and that we should accept the explanation of stupid and incompetence -- the defense of stupidity and incompetence can only go so far.

I remember back in the old days, it was a third-rate burglary. And carried out by a bunch of idiots. So we should have dropped that right then and there.

So I think, again, Mr. Chairman, I know that you've indulged me somewhat here, but I think both parties and both sides in this would be well-advised to -- let's try to shoot it down the middle. Let's don't try to make something out of it it's not, but let's don't blind ourselves and be so defensive that we don't see clearly what is before us.

HATCH: Thank you, Senator.

Senator Feingold?

FEINGOLD: Thank you, Mr. Chairman, especially for your patience. I'll be very brief.

I obviously just want to add my voice that there are very serious concerns here. The events raise questions not only about the process for obtaining FBI files, but also the apparently absence of oversight of the process.

FEINGOLD: But at the most basic level, as almost everyone has indicated, is that the issue before the committee has to do with our fundamental rights as Americans to remain free from unjustified intrusions into our private lives.

I'll reserve judgment on the motivations of those involved until we have sufficient evidence to reach a conclusion, but it's imperative

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that the underlying problem not be obscured in political rhetoric from either side.

And that problem is that procedures in place for a number of years were woefully insufficient to prohibit what has been characterized by the FBI report as nothing less than -- quote -- "an egregious violation of privacy."

This is unacceptable. And our efforts must be guided by the notion that this type of incident can't happen again. Both the FBI and the White House have an obligation to uphold the privacy of the American people, and the ramifications of either failing to do so are profound.

While both the FBI and the White House have stated their intention to reform the current system, I don't think a simple change in process will be sufficient. In order for the privacy issues raised by this incident to be avoided in the future, it will require the continuing oversight of top-level officials in both the White House and the FBI and nothing less will do.

So Mr. Chairman, it's my hope that through this hearing and the continuing review of this matter that privacy concerns will be given the attention and priority they deserve and should have received from the outset.

So in the final analysis, I want to just finish by saying, Mr. Chairman, that fundamental rights must never give way to bureaucratic expedience as they seemingly have done in this case.

HATCH: Thank you, Senator.

Senator Kyl?

KYL: Thank you, Mr. Chairman. I think that the challenge before us was put especially well by Senator Simon, by Senator Thompson just now, and by Senator Feingold, that this hearing demands the best of us. And it won't be easy.

Clearly, politics intrudes. Republicans will tend to want to be more aggressive in the pursuit of this. Some Democrats perhaps will want to give some excuses. And I understand that. We need to rise above it.

One thing I do not understand, however, is the suggestion by some

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that the information in the files -- if it was not made public or used against these people in any way, that therefore there was no harm. And if there's no harm, there's no foul.

It's like saying that unwanted sexual advances in a workplace are no big deal as long as the employee doesn't get fired or demoted. That's outrageous. It's wrong. And I think that that is not an excuse that anybody ought to offer in this particular situation. I'm astonished that some would downplay the invasion of this privacy in that way.

I think we could at least all agree on one thing, and that is that whether this was merely a mistake or was in fact intentional, whichever it was, that there was egregious damage to the people whose files were reviewed. I would hope we could at least agree with that.

Senator Biden made a good point. He said we ought to keep our eye on the ball. I want to do that by just suggesting that there are at least 10 questions that we ought to get the answers to in addition to the questions that Senator Specter asked about who ordered that the files be reviewed and why.

Number one, who hired Livingstone? And why was he hired? Who in the White House discussed it? And what was discussed about why he rather than a professional should be hired?

Why would political operatives rather than professionals be put in charge of this most sensitive job? Was it merely a coincidence that people who are described in the media as political dirt-diggers were put in charge of this sensitive operation?

What activities did Livingstone and Marceca actually perform in the Democratic campaigns in which they worked, of Messrs. McGovern and Muskie and Hart and Gore and Clinton and others? Were they, in fact, political dirt-diggers, as reported?

KYL: Did Livingstone, in fact, infiltrate the Quayle campaign as he claims in order to get intelligence on Dan Quayle? Who gave Livingstone instructions? And who knew of those instructions? How high up were the people who knew of the instructions?

What were those instructions? Did anyone in the White House ever become aware of any of the information from the files?

Finally, this information only came to light, we know, because of the House committee's threat to issue a subpoena. There are 3,000

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pages of documents that were being withheld. This information came to light because it was included in 1,000 pages that was finally released under threat of subpoena.

What about the other 2,000 pages? When are those pages going to be released? And what will they show?

Why, when the problem was discovered, didn't the White House come forward? Would this coverup have continued except for the information that the House committee obtained?

And finally, why hasn't Mr. Livingstone been fired? Where's the outrage? I note that President Clinton in regard to the State Department issue at the beginning of his campaign said -- quote -- "If I catch anybody using the State Department like that when I'm president, I'll fire them the next day."

It seems to me that the Washington Post has it right when they said -- and I'm quoting, and I'll conclude -- "The last people in government to have access to, let alone be custodians of, sensitive background information, reports and materials should be political operatives. That, unfortunately, is what the Clinton administration seems to have done and that's just for starters."

And they conclude by saying, "It needs to be established clearly who was responsible for this. It's not good enough for people in the White House to simply profess that they're outraged, too."

HATCH: Thank you, Senator.

Senator Kohl has indicated that he would like to pass.

KOHL: I have a statement I will insert in the record. Thank you.

HATCH: All right. We'll be happy to put it in the record.

Senator DeWine?

DEWINE: Thank you, Mr. Chairman. As we begin these hearings, I think it's clear that there are some things that we know and some things that we don't know.

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It's been stated very eloquently before that the ultimate question is who asked for the files? And why did they ask for them? And how far up the chain of command did this responsibility go? Does it stop at Livingstone? Or does it go above him?

These are questions we don't know. These are questions I think the American people clearly have the right to know.

There are several things that we do know. We do know that Craig Livingstone was probably the last person that should have been head of the personnel security in the White House. And I think that one thing that will come out of this is, I hope, that no administration -- Republican or Democrat -- in the future, will ever put a political operative in this very sensitive position.

Whoever puts someone in this position whose sole qualification has been that he's been a good advance person and who's worked on four, five or six or seven political campaigns?

Finally, Mr. Chairman, there is something else, I think that we know. And I've read the report and the recommendations by the FBI as far as the changes of procedure, and I think those are good. They are correct. But I don't think that we should kid ourselves. There's always going to be a way to game the system.

Senator Thompson said it very well. This has been a problem for decades that the FBI, because of its nature when they do their job, has very, very sensitive information. And this asset, this sensitive information is something that presidents and White Houses are very tempted to try to get at.

DEWINE: So you can set up any procedure you want to and we should, and we should make it as tough as possible, and make people accountable. But frankly, there's no substitute for having good people in the right positions.

There's no substitute for having someone who heads up this personnel office -- having someone who is sensitive to civil rights, sensitive to civil liberties, and sensitive to the Constitution.

Thank you very much.

HATCH: Thank you, Senator. Senator Abraham, you'll be our last one.

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ABRAHAM: Thank you, Mr. Chairman. I sort of want to follow up where the senator from Ohio just was focused. At the beginning today, we were -- it was pointed out by Senator Biden that members of the Senate themselves frequently don't quite understand when they get here how to handle FBI files or that there have been incidents in the past where perhaps they had been quoting from them inappropriately.

And that may be true. The one thing I have been struck by though in the way this Judiciary Committee has functioned -- and we went through a transition of our own to a new chairman at the beginning of last year -- was the fact that the staff who was in charge of those FBI files has operated, in my judgment, with the highest degree of capability and security, and consciousness of privacy.

And it seems to me that what we should expect at all levels of government is that level of performance. There's not been any, to my knowledge, accusations or criticisms whatsoever of the way the staff here has dealt with it, the way that transition was handled, and I would assume, at least, we would all expect that to be the case in every department and agency and certainly at the White House.

Yet that hasn't happened in the case, and was not the case at the White House, at least for a fairly lengthy period of time. Clearly, there are one of two possible explanations for what occurred. The first -- that there was some malicious intent involved in the securing of these files; the other that it was simply gross negligence.

And I think the one thing that will become evident as this goes forward is that, at the very least, it was gross negligence -- gross negligence with respect to the privacy and the security in the White House itself, and it seems to me that leads to further questions if, in fact, that was the case.

If it is more than that, then it leads to a separate set of questions and that is, obviously, part of our objective here.

But the one thing I would just hope is that we do not get diverted by matters that I don't really believe are valid questions here.

The size of the file that was requested on the people we're going to hear from today should not really be an issue, Mr. Chairman. The fact is, I don't think any of these witnesses we're going to hear from is particularly made happy by the fact that they only had the thin file versus the thick file. I mean, they -- they still have privacy rights that were invaded.

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I also don't think we should take any particular comfort in the fact that very recently, or maybe in the very near future, changes in the process are going to occur at the White House in the way these matters are handled. The fact is that apparently these problems were discovered years ago and no changes in the process ensued at that point.

The only reason we have changes in the process, apparently now, is because it's come to light and only then because of the subpoenas that were brought about by the House that finally revealed the extent to which this has happened.

So let's not get diverted with those issues, Mr. Chairman. Let's just ask ourselves how we would feel, how any of us would feel here if we discovered that our FBI file or summary was somehow in the possession of folks who had spent much of their career involved in very partisan political activities. Obviously, we would be deeply concerned.

ABRAHAM: Senator Grassley has mentioned the fact that a former staffer of his is indeed one of the people whose files were part of this problem. I've got an even more direct situation. One of my own current staffers' file is involved. And I know how she feels.

And I don't think it should matter whether or not the employees were high-level or low-level employees at the White House. I think the purpose, the primary purpose, of this Senate hearing ought to be not only to discover exactly what occurred, but to make it absolutely clear to the American people that we here in the Senate don't think it should be tolerated.

I certainly don't think so and I hope that when this process is over, we make it abundantly clear that it's not going to be tolerated in the future. Thank you.

HATCH: Thank you, Senator.

And now I think these opening statements have been critical in -- at the beginning of this, but let it be known by everybody on the committee, there are going to be two statements from here on in. We're now an hour and a half into the hearings and from here on in the two statements are going to be by the chairman and the ranking member, and then other statements will have to be made during the time allotted or otherwise, we just can't move ahead as well as we can.

But this was important. I agreed with it because it is the beginning day of hearings and we probably will have more hearings,

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hopefully in an expeditious and hopefully bipartisan, on a bipartisan basis.

And we'll do everything in our power to do that. It's easy to see why people are outraged. Both sides agree there are some terrible mistakes here. The question is just what's the extent of these mistakes? And I think we have to get into them.

Our first panel of witnesses consists of private citizens whose names were on the list of FBI files wrongly obtained by the White House.

Each of them was proud to have served in the White House and each of them had left the White House before their files were requested. Each of them is understandably concerned about the invasions of their privacy involved in the handling of their confidential files.

In addition to these witnesses, who will appear before us today, I have received correspondence from other individuals whose FBI files were also similarly wrongly obtained. So I -- without objection, we will put this correspondence in the record and I will leave the record open for two weeks for any further correspondence that anyone cares to send to us or that arrives.

Ellen Gober will be our first witness. She is an executive assistant at an investment banking firm. She served in the White House as staff assistant in 1991 and 1992.

Graven Craig is a law student who will begin his third year next fall at George Mason University Law School. His primary contact with the White House was that he was an intern for four months in 1991. He subsequently worked as an aide to the treasurer for the 1992 Bush campaign. He was on his honeymoon last week when the news of the improperly held FBI files broke.

Billy Dale worked in the White House travel office for 32 years serving as director from 1982 until 1993. On May 19th, 1993, he and six other employees were fired from the office by the White House. He was subsequently tried and acquitted of charges of embezzlement. The White House obtained Mr. Dale's FBI files seven months after his dismissal.

Anita McBride has most recently worked as a management consultant. She served in the White House twice -- once from the late -- from late 1994 (sic) until 1986 in the correspondence office. And she returned in mid-1987 as director of the White House personnel, where she served until mid-1992. She also helped on

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President Bush's transition to private citizen status for six months in 1993.

Our final witness on this panel is Mary Carroll. Mary is a homemaker and a mother of two. She served in the White House as assistant director of White House personnel from May of 1989 to August of 1993.

We would like you to keep your remarks within five minutes, shorter if you can, so that we can allow enough time for questions, and we'll start with you, Ms. Gober, and go right across the table.

(AUDIO GAP)

GOBER: And members of the committee.

GOBER: My name is Ellen Gober, and I want to thank you for this opportunity to speak to you this morning.

From September of 1991 until December of 1992, I was a staff assistant in the Office of Legislative Affairs in the White House. Our office served as the principal communications link between the White House and Capitol Hill.

To this day, I view that job as one of the most challenging, exciting and rewarding experience of my life.

HATCH: Excuse me. Can I just interrupt you for a second? I forgot to swear you in. I think we will swear witnesses during these proceedings.

If you'll all stand, and raise your right hands?

Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

ALL: I do.

HATCH: Thank you. Thanks. I'm sorry to interrupt you.

GOBER: Like most of my colleagues, I worked long hours. But I always felt a deep sense of pride and honor about trying to improve

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people's lives by serving in that special institution known and the White House.

I would be less than candid, however, if I did not tell you that the recent revelations about the Clinton White House's unauthorized search of my FBI background file have soured an otherwise positive experience in Washington, and shaken my confidence in our government. As a young person with a lifelong interest in politics and government, that is the tragedy of my story.

I'm from a small town in Texas between Houston and Dallas, called Corsicana. My father served as mayor from 1979 until 1981, so you might say that government service runs in the family. Growing up in grade school, and continuing through my graduation from college, I was taught that patriotism, love of your country and service to my community were among the most important values in life. That's why, when I graduated from college and had the opportunity to work for my home town Congressman, Joe Barton, I jumped at it.

Later, when Gary Andres (ph), who was then-Deputy Assistant to the President for Legislative Affairs, asked if I would join his staff at the White House, I thought I had reached the pinnacle of my short career here. Part of securing a position on the White House staff meant receiving an FBI clearance. I wasn't sure what was involved with the clearance process. I have to admit I was a bit intimidated.

Yet two things about the FBI investigation raised by confidence. First, everyone had to do it. It was White House policy. So I wasn't the only one subjected to strangers asking personal, private and often embarrassing questions about my past to my friends, relatives and neighbors. Not that I had anything to hide, mind you. But I understood that. This was the White House, after all.

The second factor that comforted me was the assurance that I received that the results of this FBI clearance would remain strictly confidential. To my knowledge, no-one, except for the White House Personnel Security Office, could see my file. Not me. Not my boss. Not even his boss. Needless to say, I was shocked and alarmed when my mother called me after reading my name in the USA Today, and discovered it among those files requested by the Clinton White House. My mother was worried I had done something wrong.

So, not only do I feel that my privacy had been violated, my reputation had been questioned as well. Family and friends back home in Texas have been led to believe that I had done something wrong. In truth, all I wanted to do was serve in the presidency.

That is why this is so troubling. The Clinton White House

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requested my file without justification, or without my knowledge. Why did they need to see it? Who saw it? How many copies were made? Where did the information go? Those are just a few of the questions I ask myself every day when I pick up the newspaper or I watch the news.

Until recently, I didn't believe my government would lie to me. I trusted the system because of the way I was raised, and because of the way I saw it work in Congressman Barton's office and at the White House.

GOBER: Maybe a lesson I should learn from this is that government institutions are only as good as the people who serve in them. Instead of feeling anger towards the system, I'm here to express my anger towards the people in the system who have shattered my trust.

My personal privacy has been violated. I feel betrayed by the government that I trusted with my most personal information in order to ensure the integrity of the presidency. I was honest to them, and they let me down.

In closing, I feel at a time when we need more and more young people to join in the political process and participate in government service, I wonder how many will be turned away because of stories like this that you've heard today.

Thank you for the time to tell me story.

HATCH: Thank you. Mr. Craig.

CRAIG: Thank you, Mr. Chairman, senators. My name is Graven Craig. I grew up in Charlottesville, Virginia, with a deep respect for government in the home of Thomas Jefferson.

I came up here to serve after college, and I was able to ascertain a job in the Office of Public Liaison as an intern for the Deputy Assistant to the President Bobby Kilberg (ph) and to Special Assistant Leanne Metzgar (ph).

I served there for four months from August 1991 -- or September 1991 through the end of December. Then I took a job on the Bush-Quayle '92 committee and was asked to stay on at the end of the committee -- campaign to work on the audit.

I was there until August of 1994. I then was accepted to law

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school in (OFF MIKE), and that's where I've been since. As the chairman mentioned earlier, I found out about this on Monday of this week because the Saturday before I was married to my lovely wife, Kelly Craig. We were on our honeymoon in Barbados, and obviously I didn't have a chance to read an American newspaper. So suffice to say I was thoroughly shocked on Monday morning when somebody called me to ask me about how I felt about my FBI file being accessed.

And I was deeply concerned, to say the least, because I had no idea what they were talking about, and I got off the phone and had to ask somebody in the office if they knew anything about this. So once I figured it all out, I was fairly outraged and deeply concerned about what was going on. It's inconceivable to me that anybody in a subsequent White House would have any need to read an intern's file -- whether it be a summary, whether it be a raw file, or anything. It's unbelievable.

And my only question that I have -- or I have several questions still left, and that is -- who viewed my file? What did they read? What did they photocopy? What did they transcribe? And how long have they had it in their possession?

And lastly, I think I can't really say how I was harmed in terms of quantifiable figures, it's just that I have a deep concern for this kind of egregious breach of confidentiality. Thank you for giving me the opportunity to speak.

HATCH: Thank you, Mr. Craig. Mr. Dale.

DALE: Good morning, Mr. Chairman and members of the committee. I am Billy Dale, and my confidential FBI file was the first one discovered to be in the possession of the Clinton White House.

I know of no legitimate reason for the White House to have my FBI file, since my colleagues in the White House Travel Office and I had been fired by the Clintons seven months prior to their requesting my file from the FBI.

I find it difficult to believe that this was a low-level, bureaucratic mistake, as they have claimed, since Mr. Craig Livingstone, in whose possession the file was kept, knew me very well. You see, it was Mr. Livingstone who filled out the check-out forms for the Travel Office employees and presented them to us to have processed on the morning we were fired.

Mr. Livingstone also wrote the memorandum to the Secret Service, instructing them to remove us from the White House access list, which

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ensured that we could no longer enter the White House complex.

I find it ironic that the stated reason for requesting my file was for access to the White House. I feel the Clinton White House's having my file is a clear violation of my right to privacy, even though I believe there is nothing in my background files that would be embarrassing to me.

DALE: My family and I have experienced a wide range of emotions during the last three years: anger, fear, helplessness, frustration, and an enormous amount of stress.

When my wife heard of the file, she said, "Oh, no, here we go again." She asked, why? When will it all end? After what we have been through, nothing this White House does surprises me, not even learning that they had requested and been given my FBI file.

I was distressed and disappointed at the ease with which the FBI released the file and how they permitted themselves to be used again by the White House in this abuse of power.

Last week, Director Freeh said the FBI had been victimized by the White House. The FBI was not the only ones victimized. I along with 400 other people were victimized as well. I would like to thank this committee for holding these hearings and hope that the result would be the same kind of investigation that took place in 1992 when the Bush administration reviewed Mr. Clinton's passport file.

Thank you very much. And I am happy to answer any questions that you may have for me.

HATCH: Well, thank you, Mr. Dale. And we apologize to all of you, and certainly apologize for what you've been through. Ms. McBride.

MCBRIDE: Thank you, Mr. Chairman and members of the committee. My name is Anita McBride. My name appears on the FBI files list as Anita Carol Bevacqua.

I first went to work in the White House in 1984. I held several positions there, including director of White House personnel, a position I held for five years, from 1987 to 1992. Since I left the White House, I have been working part-time as a management consultant to private companies. I've also been taking care of my father, who has been very ill. Since leaving the government, I have not held any position that requires an investigation of my FBI file.

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I would like you to have confidence in me when I tell you I am not here on any political agenda. Yes, I am a Republican and, yes, I served in two Republican administrations. But first and foremost, I am an American, and I am a private citizen. I'm here because I'm concerned that my right to privacy may have been violated through an improper examination of my FBI file.

I've been asked what is the big deal about these files? I want to help people understand that the information contained in these files is so private, it's so personal, and that it's collected for no other purpose than for being cleared for an appointment to the White House. It contains thorough information about my medical, financial, and family history, and I understood that this information would remain confidential.

A full-field FBI investigation is intrusive. When I was investigated by the FBI, the agents rightly talked to my neighbors, my co-workers, my former teachers, and my friends. I may never know what those people said about me. True or untrue, it all ended up in my record. If there was a rumor about me contained in my file, there was no rebuttal. If I had lied to the FBI, I would have been denied security clearance and my White House position.

If I ever rejoin public life, my current FBI file will form the backbone for future investigation. So obviously, FBI files are serious matters with far-reaching consequences. Like your service in the Senate, an appointment at the White House exposes entire lives to examination. But I did it gladly because the honor of working in the White House was so great -- indeed, the greatest honor in my life.

MCBRIDE: I understood that a complete background investigation goes with the territory, that it is serious, and that it is in the best interest of the president and the country.

I'm also here today, though, because as a former director of White House personnel, I and my staff were responsible for processing the paperwork for everyone hired by the White House between 1987 and 1992 -- hundreds of people. Because of this, I am familiar with the process of gathering information necessary to qualify people for service in the White House. I also know full well that systems were in place to protect this information, and that every effort was made to safeguard the privacy of the individual during my time at the White House.

In short, regarding FBI information, my understanding was that access to those files was limited to the Counsel's Office. Even as director of personnel, I never saw FBI files or summaries. When I reviewed the list of those former White House employees whose FBI

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files were improperly obtained, I was struck by the fact that I knew most of them and, indeed, I had administered the oath of office to the majority of them. So this whole situation has become very personal to me. I always took pride in the fact that I served as staff. I never wanted to become a public figure or a talking head. I never even leaked a story to the media.

(LAUGHTER)

And I was very proudly anonymous. And most of the people on the list were just like me: they served anonymously, and what is most troubling is that these now private citizens have lost the rights guaranteed to them when they left public service.

It is disturbing to think that the very private information about us may appear publicly somewhere, some day. And this, frankly, haunts me. Because I served so anonymously, this testimony today puts me in a spotlight I'd really rather not be in. Simply, I am here because I never want a breach of security like this to happen to anyone again.

What I want -- what I think my former colleagues would like from this investigation are answers to the many questions we have, and listening to all of you, it's the answers to the questions you have, too. How was this list compiled? Why were the files sought? What was the motivation? Who examined the files? And what, if any, information was copied or distributed?

I am someone who served my country with the purest motive, truly, to do the best job for the president that I could possibly do. This situation causes me to doubt the institutions I once served so proudly, and in some way diminishes my service, too.

I am happy to answer any question you have of me.

HATCH: Well, thank you so much. Ms. Carroll.

CARROLL: Thank you. Mr. Chairman and senators, my name is Mary Kate Carroll, and I also worked in the Office of White House Personnel. I hope you don't mind if I simply speak to you from my heart this morning. I went to mass this morning and prayed, actually, that I would be inspired to say the right thing here.

I feel a tremendous responsibility to 400 people, many of whom I knew, who are not here to speak for themselves.

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CARROLL: Just to touch on a few things. Many of my friends, my mother-in-law asked me, what are these FBI files and why are they of such great importance? Aren't they just employee information?

I just want to say for the record, I was taken into a private room in order to gain my security clearance. I was asked very personal information. I was told it would remain personal, and I am deeply offended that it has not.

My second point, I'm a Mom. I haven't worked at all since I left the White House. And I want to also say, I very proudly served at the White House, the greatest honor of my life. No greater, however, than being the mother of my two precious children. I am embarrassed and I am angry that I am simply a decent citizen. I am trying to raise two Christian children, and this is what I have to deal with?

I resent that my file was asked for, that it was retrieved, and then it was handled in such an unprofessional, and if I may say, indecent manner. Thank you.

HATCH: Thank you. We have some questions for you. Let me just ask you as a group. Have any of you ever read your FBI files?

GROUP: No.

HATCH: Have any of you ever had the opportunity?

GROUP: Never.

HATCH: Any of you.

GROUP: No sir.

HATCH: None of you have?

GROUP: No.

HATCH: You haven't even had the chance to look at your own FBI files?

GROUP: No.

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HATCH: At the time that the White House was looking at your files, in late 1993 and early 1994, were any of you being considered for White House employment?

GROUP: No sir.

HATCH: And you had been fired, Mr. Dale?

DALE: Yes sir.

HATCH: So there was no real reason of anybody to ask for your files?

CRAIG: Senator?

HATCH: Yes.

CRAIG: Actually, I was with the wind down staff at that point and I did make two clear trips into the White House to meet with Tom Hubbard, who was a hold-over from the Bush administration to clear up some lists for the Air Force One bills, but that was my only two contact with the White House.

HATCH: You were an intern?

CRAIG: No, I was on the paid staff of the Bush-Quayle campaign at that point, but I made two cleared-in trips to meet with...

HATCH: No I mean when you were on the White House, you were just an intern?

CRAIG: Yes. Yes.

HATCH: Can any of you think of any reasonable explanation why the Clinton administration asked for, and received copies of your files?

GROUP: No.

HATCH: Any of you.

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GROUP: No sir.

HATCH: In fact, FBI hardly needed to provide any justification to obtain your personal, sensitive background information. You described that pretty well, Ms. McBride. Although it's a lot more than you described as well. It could be scurrilous remarks, wacko statements and a whole bunch of other things, because they take down everything.

MCBRIDE: Everything.

HATCH: Now these are summaries. Naturally they didn't contain everything that the FBI field file did, but summaries are still important. Aren't they Ms. McBride?

MCBRIDE: Yes, certainly they are, sir.

HATCH: Don't they contain basic references to thing that could lead to all kinds of inquiries and questions and scurrilous accusations?

MCBRIDE: Certainly they do sir. However, I do want to make it clear, I never even saw summaries. And it was my understanding that that information stayed solely with the council's office, that they were the only ones that had authority to view that information.

HATCH: Well, if you turn to this chart, if we could turn to this blown up example of a standard request form, from the White House to the FBI.

HATCH: All the White House had to say was that they were checking for "access" purposes. For decades the FBI relied upon the honesty and good faith of the White House. Now, how do you feel, knowing that this White House could obtain your sensitive personal background files, simply by sending over this pre-printed form?

Anybody care to comment about that?

DALE: Well, I think personally I am very disappointed in the FBI. I have been a citizen that respected the FBI all my life, to a certain degree feared them. But when I see this, I don't know how much confidence I can have in them in the future.

HATCH: Well, let's take a look at the people who actually were

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requesting the files, and by the way, we're giving seven minutes to everybody.

But this is the White House personnel security command. As you can see, in the White House, Bernard Nussbaum, as White House Counsel, had primary authority over the Security Office. And of course he has since resigned. William Kennedy was the Associate White House Counsel who worked closely with the Security Office. And he also had to resign.

Below them were two Democrat political operatives, Craig Livingstone and Anthony Marceca, who had access to your background files. And Mr. Livingstone worked as an advance man on the campaigns of Geraldine Ferraro, Gary Hart, Tim Wirth, Michael Dukakis, Al Gore and Bill Clinton. He also worked for the Democratic National Committee and worked on some of the Democratic conventions. He had no security background, and had no law enforcement training.

The other individual that we now know was involved, Anthony Marceca, was brought into the White House as a detailee by Mr. Livingstone. He has told committee staff that he has worked on the campaigns of Edmund Muskie, George McGovern, Walter Mondale, Gary Hart and Al Gore. He knew Mr. Livingstone from their work together on political campaigns.

These two people, to put it mildly or to put it charitable, were political operatives. Now how do you feel having heard that the backgrounds -- having heard the backgrounds of the men who were looking through your sensitive personal backgrounds?

CRAIG: Senator, I think it's, as a law student, someone who's got one more year left, and having some understanding of the three branches of government, I think this is certainly overreaching on the executive branch's police authority. I mean, they are charged to faithfully execute the laws of the country, and I think they took advantage of the situation here. And using political operatives under that guise is simply outrageous to me.

HATCH: OK. Anybody else? Ms. McBride?

MCBRIDE: Senator, the titles of the people who are listed here would be absolutely appropriate to have access to those files. During my tenure at the White House, we trusted the counsel's office, all of us trusted the counsel's office, that people put in those positions to view those files maintained that information confidentially.

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I don't want to sit here and question, you know, credentials of any of the people listed there. The president had faith in them. He had faith in them to serve in those positions. It's unfortunate that with that trust, they violated not only all of us, they also violated the president. And they compromised him. And they compromised the institution of the presidency.

HATCH: Anybody else?

The current questionnaire for a national security positions, Form SF-86, promises -- quote -- "The information you give to us is for the purpose of investigating you for a national security position."

HATCH: "We will protect it from unauthorized disclosure."

I would like to ask each of you if you relied on a similar guarantee of privacy when you were in the White House and when you provided personal information to the FBI.

ALL: Yes.

HATCH: OK. Some apologists for what many will call an outrageous breach of security by the White House claim that nothing wrong happened because there was no real damage done to any of you. Billy Dale, you in particular, you were then under investigation and prosecution by the administration for what has turned out to be political reasons. How do you represent -- how do you respond to this claim?

DALE: Well, I think that the reason nothing happened to me is because they couldn't find anything. I truly feel that if they had found anything in my file that was derogatory towards me that it would have been used, and I would question the White House as if nobody saw these files, then how did my file end up in the travelgate investigation papers?

It's my understanding that these files were mistakenly requested from the FBI. Well, I might be able to accept that for the other people but not for myself.

HATCH: Do the rest of you feel that you were injured or do you agree with the administration that no harm was done even though your personal sensitive background files were laid open to a pair of political operatives and who knows who else?

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MCBRIDE: Senator, it's easy for me to tell you, I can assess the damage in this way, in three things: the faith in the institutions that I served and the government that I served is shaken. The fear that information about me that I don't even know, I never say, may appear publicly somewhere someday. Perhaps I will re-enter public life. I don't know who has some information that perhaps they copied that I will see and will hurt me.

And the other, but most importantly, is you don't know how difficult it was for me to describe to my 83-year-old father why my name appeared on a list in the newspaper and that I had to appear publicly before all of you with cameras and reporters. You know, he's wise enough to know that once you go public, there's no controlling it.

HATCH: My time is up. Senator Biden.

BIDEN: I'm impressed with the testimony of all of you. It's certainly not my position or my ability to apologize to you on behalf of the White House, but I tell you what, if this occurred as a consequence of anything this committee did, you would have my abject apology.

I don't think there has to be a proof of anything having hurt you. I mean, it's offensive just simply to know anyone would have access that is unwarranted.

I quite frankly am a little bit -- well, I won't go into that. I -- one of the things that I want to get to and I think my friend from Arizona made a valid point: the issue isn't whether or not they were summaries or full files. The issue isn't whether or not they were used or not used. The only reason that those issues are raised is to go to motive here.

You were violated, period, regardless of the motive. If it was stupidity, you were violated. If it was for nefarious reasons, you were violated. There's no question about that. We kind of have a two-tiered responsibility here. The first one is to find out, are they as stupid as they appear to be? Are they as incompetent as they appear to be? And if that's all there is, that's still bad. That's bad. That's a problem.

But there's a second question that will obviously be brought up and it's part of what the opening statements of some of my friends on the committee, and that was, was this done to create a list to get people, to get information and dirt to be used for political reasons? That is a second question.

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It doesn't matter why it was done. Incompetence or malevolence, it was still a violation of your rights, and you are owed an apology.

BIDEN: Now, one of the things that I should say, Mr. Craig, you should be mildly reassured. You were number 272 on a request of 400 and some documents, and nothing was provided. So no FBI file on you was provided to anybody, summary, otherwise, nothing. And it was because -- nothing provided -- no identifiable information located.

So I don't want to insult you by suggesting that they didn't think you as an intern had anything, but there wasn't anything, according to the FBI, the receipt we got here. Nobody ever got anything about you in the White House because nothing was ever sent.

There was a request made but nothing was ever sent unless this information I've been given was wrong.

So I hope you -- I'm glad you didn't have to worry about this on your honeymoon. You shouldn't have to worry about these things on your honeymoon.

(LAUGHTER)

And you shouldn't have to worry about it now in your case. The others worry in the sense that there was something sent. Now, Mr. Dale, I'm confused about two things and you may or may not have the answer to these. I don't expect you to know the answer, but you just may.

You indicated that yours was the first file requested. Now, as I understand it, and correct me now if you have different information, OK? There was apparently at some point prior to Mr. Marceca asking for ad seriatim a number 400 and some files in alphabetical order getting up to GO from A, OK?

There was apparently, the FBI criminal investigation was asked by the White House to investigate you as it related to the whole travelgate thing, and before the request was made by Mr. Marceca as part of this longer list that he sent over day after day to the FBI, do you know when and if the FBI requested your file?

DALE: No, sir. If I indicated that mine was the first one that was requested, I'm sorry. I didn't mean that. What I meant is that my file is what brought this to...

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BIDEN: I got you. OK. Good. Because it may be -- and I've asked the FBI and they're checking this -- do I have an answer?

Right. OK. Apparently, your file, quote, "was pulled," one month before your trial by the FBI and -- but it was pulled and before any request was made by Mr. Marceca -- am I pronouncing his name correctly? Marceca, I apologize for -- because people call me bidden and I don't like it.

(LAUGHTER)

Anyway, what is it?

Marceca. Mr. Marceca had a list that he was working from which we're going to have to find this all out, too, but he alleges he had a list he was working from.

And the way I'm told it worked was -- I've not spoken to him though -- but investigators have. What he did was, he had a series of names. He started through them alphabetically. For example, on the sixth of December, 1993, he asked for a gentleman's name -- a woman's name whose name started with AA. I won't read the names.

Then he went to AB on the sixth. On the 17th, he asked for -- on the sixth, he asked for five more names.

BIDEN: Then on the, you know, and it goes down the list and each day he would ask for more names.

The impression being given that he had this long list, his job was to go through the list, he thought, at least alleges, and that he just went them ad seriatim in alphabetical order, would fill out -- would you mind putting up that form that you stuck up before that goes over to the FBI? I'd appreciate it.

Understand this form is the exact form that's been used for four presidencies, so there's nothing new about the form. That form where they request whether they want a name check or they want a copy of a previous report.

This list of 481, I think it is, were all requests for previous reports, not name checks. Now there may have been other requests made in addition to this list. I don't know that.

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You didn't even get on the list until the 28th, Mr. Dale, after 305 other people's names had been requested. And the reason I think that is important, at least for me to know in terms of going to intent -- not whether or not your rights were violated -- this is after you had been dismissed. This was apparently -- correct me staff if I am wrong -- after the FBI pulled your file before your trial. Is that correct?

My staff -- I'm not confident that answer is correct because I don't think they listened to my question and...

DALE: Senator, I can tell you for a fact that that's not true.

BIDEN: Well, that's what I want you to tell me. What do you think? I mean, what do you know?

DALE: My trial doesn't take place until October of 1995. That request from the White House was made on December the 20th, 1993. It is my understanding that the FBI file was forwarded from the FBI on December the 28th, 1993, and arrived at the White House somewhere around January the 6th, 1994.

BIDEN: That's correct. That's the only information I have.

DALE: Now, my attorney asked for my file during the trial or shortly before it started. He was told that the FBI couldn't find it. But they did eventually find it seven or ten days later or something like that.

BIDEN: OK. So your trial was nine months after or thereabouts...

DALE: Eighteen months.

BIDEN: Eighteen months after...

DALE: Almost two years.

BIDEN: Got you. OK. Now, do you know whether there's any request made for your file other than or in addition to the request where you appeared in alphabetical order with 481 other people? Do you know?

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DALE: Well, my attorney is right here, but he could tell you better than I. But during the trial, he requested the FBI background file. He was told that they couldn't find it. A week or ten days later or a few days later, they did find and they turned it over to him.

BIDEN: OK.

DALE: This was in late October of 1995.

BIDEN: Well, I thank you all. My time is up. I appreciate your testimony and, again, I think I would feel exactly like you feel if anybody had access to anything.

BIDEN: And by the way, you all do know -- I'm not sure it's worth you doing it. You can request under the FOIA to get your FBI file.

DALE: Yes, but it only takes about four years.

BIDEN: No, I understand. I mean, I -- look, it has nothing to do with that. I'm just setting the record straight. You can do it if you want to do it. I'm not recommending it or not. I'm just telling you you can.

(UNKNOWN): Even so, Senator, can I just say, I would never see a complete account. It would be a redacted account. Thank you.

HATCH: I agree. Thank you, Senator Biden. Senator Simpson.

SIMPSON: Well, thank you all. It must be painful for you. And Anita, I know you, and I knew Tim so well. I saw Tim serve George Bush, President Bush, with such loyalty and diligence, and I know who you are, you people at that table, or some of you.

And I agree with Senator Biden and all of us here that this is an appalling thing -- absolutely appalling, and it's so offensive. It's a violation. It's an intrusion of the right to be left alone, which we're all told we have in this country.

I do remember -- and this is not a partisan statement because there was votes on both sides. But I remember the continual line of questioning of Judge Robert Bork about privacy, privacy, privacy, privacy, privacy -- day and night, while some jerk was going through

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his video rental records.

A journalist as it was -- isn't that interesting? Now so, you knew I'd get a shot like that in. I wouldn't have missed it for the world.

(LAUGHTER)

But this -- it's disgusting. And I know you people as impressive people, but I don't think people understand out in the country -- maybe they're getting to understand that it seems to me that the first response from the White House in every situation is to deny.

And Lee (ph), you almost know, because you practiced law for 18 years that somebody cornered the guy and said, you know, you can go to the clink for that. So they gather them together again, and they say, where is this stuff? If you have it, you're going to be charged with perjury, and you're going to go to jail.

And then everybody wrestles around over there for a couple, three weeks or a couple, three months, and then they cough up the goods. After they huddle, they cough up the goods. And I think people are offended by that.

First, the immediate, denigrating, smart-aleck response, whatever it is. And then seething, and then sitting, and then probably jerking the guy by the neck, saying are you lying or not? and then coming forward with it. That's not the good way to do the nation's business.

But I'll tell you what the people have to understand when we're talking about a "summary." A summary of these files is a very complete document. So when you think that you're not getting the whole load, that you're not getting the big stack, well, let me tell you, you're getting a stack that would choke a horse anyway.

And here's what it is. Just that inquiry generates this. This is just the summary. This is the stuff that comes out of the summary. And I won't go through because I have a little time: police records, ever been arrested, convicted for a felony, ever charged, convicted with a firearms, explosive offense, pending charges for criminal offense, drugs, alcohol, controlled substances, traffic fines over \$100, medical record?

Any problems because of an emotional, mental condition? How'd you like that one all to just come to the hands of some second-water jerk? Ever seen a health care professional or an environmental mental

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condition -- emotional mental condition? Provide details. This is the summary. This isn't the big stack.

You ever used illegal drugs? Provide details. Ever experienced problems with illegal drugs? Ever had a clearance denied? Ever been to bankruptcy, legal judgment rendered against you, or delinquent in any financial obligation?

SIMPSON: Ever been a member of an organization, so on -- the usual stuff in the old days. All family members -- names, dates. Marital status.

How about the one that says, ever been unfaithful to your spouse? That's in there. That's one of the personal questions asked. Persons living with the applicant -- who are they? Relationship. And then, there's a supplemental SF-86 form which contains 10 questions and is considered part of the form.

All corporations you've been with past five years, all interest in real property, ever been associated with anybody ever charged with a violation of an ordinance or a law, subject of any federal, local investigation, ever been disciplined? Ever run for public office, held a position in a campaign, currently a member?

How about this one; is there anything in your personal life that could embarrass you or the president if publicly known? Is there anything in your personal life that could be used by someone to coerce or blackmail you? And you're sitting in a room with a person who is telling you that none of this will ever become public.

Federal Bureau of Investigation letterhead memo goes with this summarizing the results of the investigation. Biographical data, which lists all previous investigations. "Summary of the candidate interview contains comments from an applicant on various topics which may have surfaced during the investigation."

That covers everything in life practically. Interview section summarizes the comments rendered to the FBI during interviews. And special interest groups section contain any remarks made when contacted by the FBI. That's the sentence. Special interest groups section contain any remarks made when contacted by the FBI.

And then, finally, in some instances, the complete candidate interview will contain in the summary, this interview would contain disclosures made by the applicant regarding any personal or financial problems.

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That is the summary. That is not the full stack, and that's what was presented about you to someone else. And I think that somebody failed miserably. But the FBI is at fault. The White House is at fault. We will try to seal some of those holes in the future by law, and I know the members of this committee as well as I do that it will be a bipartisan sealing of the holes. Because it's just not fair. And that's a word that's not corny yet in political correctness.

BIDEN: Shouldn't even ask some of those questions.

THURMOND: I don't have any, Joe. I was -- agree with what everybody said, and I don't think there's any question about it. This is very offensive and appalling, and I hope that steps will be taken for at all various possibilities that FBI files would be a summary of three pages or whether it be a large file of 300 pages. But regardless of whatever it might be that it's not made available to any person other than those that have a need under the law for it.

THURMOND: I was interested in questions that you answered to Senator Hatch. He asked you if there were any reasons to ask for your file, and then I think he asked you was there any reasonable explanation. Perhaps for Mr. Dale there might be in doing it but, I assume that you don't know of any reason or any reasonable explanation that might be given.

MCBRIDE: Sir, I was not seeking an appointment with the Clinton administration and, based on my credentials, I don't think they were interested in me.

THURMOND: Well, that -- those questions may be very helpful in trying to get to the real matter, that is, motivation and intent. What was the reason that it was requested of you? And that's -- in other words, why was your name put in regards to it? And if you know of any political reason why your name ought to have been on the list?

MCBRIDE: I'm not involved in politics anymore.

DALE: I think it's very easy for me to conclude why my name was there.

THURMOND: Wait. Yeah, I understand. I had no question about that in regards to you so -- I think one of the areas of inquiry that we have to go in to is motivation and intent, and that includes, what was the reason that they were requested. At each name would be, 'What is the reason'. I think that would help us in regards to intent. And finally, on intent. Ms. McBride, I noticed you made the statement, you felt like what has happened here violated the president. Would

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you explain what you mean by that?

MCBRIDE: I think when you are privileged to serve in a position to support the president of the United States -- no matter what level it is, from the grounds keeper to the clerks to personnel, to chief of staff, you're entrusted. The president has confidence in you to do a good job, even if he doesn't know you. And in this case, with the individuals who he entrusted to work in the security office, they have not only hurt him, but they have hurt the presidency and the very institution that they were all sworn and took an oath to serve.

THURMOND: Thank you. That's all.

HATCH: Yes, Senator Grassley.

GRASSLEY: Mr. Chairman and members of the committee, I don't have any questions of this panel, but I wanted to take a couple minutes to bring up something that I hope we get the chance to look

into in regard to these FBI files. And I'm not going to ask the panel, but I want to speculate that through your interviews from the FBI and the other information that you gave, you may have given some income tax information, tax information.

GRASSLEY: If you didn't, I'm sure out of 408 people, somewhere along the line, people would have given income tax information. This information can be considered tax return information. And the term tax return information, I get from 28 U.S.C. 6103, "...which tax return information is protected by the criminal sanctions for improper disclosure." Quarterly reports to Congress about this information are required, and not only about the information but, why the information is requested in the first place.

From what I've been able to find out, we've had no quarterly reports to Congress having been made on these 408 people. Although, I'm not -- from what I've been able to find out, can't be conclusive on that, and I think this needs to be looked into. And I suppose now, as of this morning, we have an independent council looking into this. It's my hope that we'll find the answer to whether or not this law was followed. In other words, making known to Congress whose tax information was requested and why it was requested.

Because this law, obviously, ought to have been followed in regard to his personal tax information. The importance of this issue is reflected by the members of this panel. I don't think you'll be insulted if I don't call you high-powered political actors. They aren't Republicans or Democrats first. That doesn't even matter as I've sensed everything that you've all said, because issues of privacy

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transcend all of that. It's the most intimate, personal information that was given in confidence, and that trust has been violated. And that's why you are here.

You're real citizens whose rights have been violated and I think your testimony drives home the very real nature and tragedy of this issue and we need to know how it happened so, I want to thank you. I yield the floor.

HATCH: Senator Feinstein.

FEINSTEIN: Thank you very much, Mr. Chairman. I think all of you know that when you went to the White House, obviously it was appropriate to have an FBI file. I gather your concern is that when you stopped working for the White House, your file was requested. It's up to us to find out how and why and for what reason. I'd like to ask all of you whether you have any information that your file was in any way disclosed or used or shared with anyone. Any information to indicate that anything other than keeping your file in a locked room somewhere took place.

FEINSTEIN: I wonder if we could just quickly go down the row, and you would answer that question?

MCBRIDE: No.

CRAIG: No, Senator.

DALE: Senator, I think the jury is still out on that. I say that, and that who knows a year from now, six years from now, what may be revealed that was in that file.

Me, personally, I have nothing to fear from what's in that file.

FEINSTEIN: Thank you.

Ms. McBride, to this date so far?

MCBRIDE: No, I don't, Senator. I hope it remains that way.

CARROLL: I'm the same. However, I agree with Billy, that it doesn't matter. The privacy was breached. And that's the issue.

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FEINSTEIN: Well, let me ask you this about whether the privacy was in fact breached or not. The file, we know, was sent to the White House.

CARROLL: Yes.

FEINSTEIN: We have to get at the root of how or why, but we don't know that your privacy was ever breached.

CARROLL: Did anyone read it? Do we know that?

FEINSTEIN: Well, that's what I'm asking.

CARROLL: If one person read it, it was breached.

FEINSTEIN: Do you know that it was breached in any way?

CARROLL: The fact that it was requested breached my privacy.

FEINSTEIN: OK. So, essentially your concern is just simply with the request?

CARROLL: It begins there, and ends with the big question mark of I don't care if one person read it. One is too many.

FEINSTEIN: So you -- I mean, you have no reason to believe you're any part of an enemies list, or that your files were requested for any political reason?

CARROLL: No.

DALE: I don't think you would ask that question of me.

FEINSTEIN: Yes. I understand your feelings, Mr. Dale.

DALE: Yes. I'm doubly -- right.

FEINSTEIN: And I'd like to ask that separately in another way.

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DALE: OK.

FEINSTEIN: But of the other three remaining witnesses?

CRAIG: Well, apparently my file wasn't sent according to Senator Biden.

FEINSTEIN: Right.

CRAIG: But I still think the point is that if it was an intent to do something, and the request was made, that that's the damage right there, whether anything was read or not. I mean, the intent to access those kind of files is what's the problem.

FEINSTEIN: If they were, in fact, accessed.

CRAIG: True.

FEINSTEIN: Anybody else have a comment?

MCBRIDE: Senator, I do, actually. I'm more puzzled in all of this about the list, the actual list. I think, having served as Director of Personnel, I am familiar with so many of those people. And Senator Biden, when he mentioned the list, and the first person's name. I know that individual. She left at the end of...

BIDEN: Let the record show I did not say what her name was.

MCBRIDE: I know. And I won't say it either.

But she left at the end of the Reagan administration. There were others who served the full Bush administration. I'm so puzzled by the list. And I am concerned about the motivation for that.

FEINSTEIN: Well, I think that's a correct feeling. And I am too.

MCBRIDE: Yes.

FEINSTEIN: I mean, realistically, on one hand, at least I want to know, were all the files from the Bush administration removed? And

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yet certainly there would be a reason to ask for the files for the holdovers from the Bush administration.

MCBRIDE: Sure.

FEINSTEIN: How many were there? You know, why were the additional file requested? I think that's important to know.

But for those of us that work in government, I mean, I don't think it's a big surprise that there's an FBI file. I also don't believe that your names were all released, as my understanding is at least one of you, your name was released by a House committee doing this investigation. Otherwise no one would have known.

FEINSTEIN: And I think that was you. Is it Gober? Mrs. Gober? That the House committee released your name. The White House didn't release your names. So the question is -- I mean if we really go back and I've been reading the committee transcript from the earlier trials of the so-called enemies list, and it was a very different situation, as far as the reason why information was requested.

I won't go into that now because I don't think it's relevant to this, but I'm interested as to whether there was any malevolence or any political use or any misuse of the file, because you all know a file exists.

MCBRIDE: If I can just respond, Senator. I just feel very strongly that, you know, we're here to so that you can identify that us as average citizens -- we should not have to prove that we're not at the level of someone who would be on a so-called enemies list. I'm proud that I will probably never ever be on a list like that. I left the White House after eight years having never embarrassed my position or embarrassed the president.

But that doesn't diminish in any way the fact that my file is just as important as some of the key figures that I would have served with in two administrations. My name, for some reason, that I am very confused about was even printed on a list from whoever that list came from which I hope that through your investigations and the House investigations, you will find that out. How was that list put together? It really does make no sense.

FEINSTEIN: But for you, Mrs. McBride...

MCBRIDE: Right.

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FEINSTEIN: You have no way of knowing whether that was just incompetence, just an error, just a mistake.

MCBRIDE: I find it so hard. I would like to believe that it was a mistake. It's a colossal blunder. It is unbelievable to me that it is a bureaucratic mistake. These were not bureaucrats working on this.

FEINSTEIN: Who do you believe they were?

MCBRIDE: Well, I've seen two names up here who at least had the ability or the authority to have those names, that list, those files in their office.

FEINSTEIN: Then, the next question obviously for us to ask is ask those people if they have, in fact, gone through those files.

MCBRIDE: I would love to hear the response to that.

FEINSTEIN: And that question clearly should be asked.

MCBRIDE: Right.

FEINSTEIN: But I was just curious as to whether possibly with the exception of Mr. Dale, any of you have really been aggrieved in any way other than having the White House ask for your file, which as far as I can tell, none of you know was ever looked at?

So that -- thank you very much, Mr. Chairman.

SIMPSON: Thank you, Senator Feinstein. Now Senator Specter, please.

SPECTER: Thank you, Mr. Chairman.

At the outset, I agree with the conclusion that there has been a significant breach of your privacy just (OFF MIKE) I would pick up on what Senator Heflin had asked about with respect to the question of motivation or intent.

I don't think it's really relevant whether you have been aggrieved beyond the privacy violation. That is sufficient in terms

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of your own injuries. But when you say, Ms. McBride, that it's a colossal blunder and a bureaucratic mistake, that is a question that the committee wants to look at to see if it is that, however egregious the mistake is contrasted with whether there was a motivation to hurt you in a political context.

SPECTER: My hope would be that at the earliest time, we would move ahead and start to find out who asked for the files, and what their reasons were, and whether they were instructed to do so by a superior and whether that superior was instructed by somebody else, whether it was the climate of carelessness or just exactly what was going on.

But since you are here, I think it is important to try to determine whether there was some malicious intent, whether there was some political motivation, whether they were looking for something special about you. Because if they were, then that elevates the matter in terms of public -- offense to the public.

You've already been aggrieved as individuals, no doubt about that. But if they were trying to do something in a political context, then it's a matter of concern beyond your own individual privacy breach. From what I understand, only Mr. Dale fits into that category where they might have been looking for something which would have some range beyond the own invasion of Mr. Dale's privacy.

I would like to pursue that for just a minute or two, Mr. Dale. You were acquitted. I think it's important to bring that out at the outset, that there had been charges filed against you and you were exonerated, and I say that at the outset because I now want to ask you with respect to the charges which had been filed against you whether any of this information sought by the White House would have enabled them to have harmed you or promoted the criminal prosecution.

DALE: Well, I don't think it would because not having seen my file, I truly believe that there's nothing in that file that's derogatory towards me. So I don't know how this file could have been used, but...

SPECTER: Have you made a request, Mr. Dale, for your file.

DALE: Well, my attorney has had the file, so he has seen them. I have not personally seen them.

SPECTER: And do you know if they were redacted? That is, parts were crossed out?

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DALE: I don't know. He's sitting right here. Maybe...

SPECTER: I'd be interested to know if your counsel would be willing to respond.

Have -- would you identify yourself, sir, counsel to Mr. Dale?

TABACKMAN: My name is Steven Tabackman.

SPECTER: And you have examined Mr. Dale's files which the FBI had?

TABACKMAN: I examined parts of Mr. Dale's files -- three years worth -- of background checks that had been done in the early 1980s.

SPECTER: Are there parts which you haven't examined?

TABACKMAN: There are parts that I have not examined.

SPECTER: Do you intend to examine them?

TABACKMAN: We will, and we will be examining those. We had requested an examination of those background checks that had been conducted immediately prior to Mr. Dale's dismissal. The most recent background check had been conducted in 1991, and we sought to get that for particular reasons, and I think this goes to your question, Senator.

SPECTER: Well, my question goes to the content of the file.

TABACKMAN: Exactly.

SPECTER: Under ordinary procedures, it takes a long time to get an FBI file. My sense is that if there's some irregularity in the handling of the FBI file, as in your cases, you ought to be able to get them immediately. And you ought to be able to get them without having them redacted unless there is some very, very strong reason to have something crossed out.

And if there's a representation made that there is an important reason to have them crossed out, I think it ought to be submitted to a judge in camera or in secret to take a look at it to see if there's a

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bona fide reason to have something crossed out.

That might shed some light on why your files were sought.

SPECTER: Maybe it was, as you put it, Ms. McBride, a colossal blunder, a bureaucratic mistake.

MCBRIDE: Can I just correct one thing? I don't think it was a bureaucratic mistake.

SPECTER: Well, I -- what would you conceivably ascribe to motivation for them to look for your file?

MCBRIDE: I don't know, sir.

SPECTER: Well, that's why I think if you saw your file...

MCBRIDE: Right.

SPECTER: Or if your counsel saw your file, you might see some reason for -- Mr. Dale, let me pursue with you the question as to a reason why somebody at the White House might have wanted to see your file to put you in a worse light.

The FBI obviously had access to your file. You were subject to a federal prosecution, correct?

DALE: That's right.

SPECTER: So the prosecutor in that case would have had access to your file so had there been anything there which would have hurt you in the criminal prosecution, the prosecutor would have been able to do that. Now the question then beyond that is would the White House have had some interest in seeing your file to injure you in some collateral way?

DALE: Well, it's easy for me to think yes. But as I've stated before, I don't think they found anything in that file that they could use.

SPECTER: Well, listen, we don't know. We want to find out. We have a duty to find out in an impartial, unbiased way. It is

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conceivable, although I doubt it, but conceivable they might have sought a tremendous number of files that there would be no conceivable purpose for as a smokescreen. I don't know.

Maybe there are only a few files in there that they wanted to look at.

But on the surface, if you have you five witnesses where there does not appear to be any reason for the White House to have asked for the files, then it does look as if it's a mistake, albeit a colossal mistake.

So that's why I would hope that we would pursue this, Mr. Chairman, to see if we might not shed some further light since we've had these witnesses in to try to get them access to their files, unredacted unless in camera some impartial judicial official says there's a good reason, and maybe even so, perhaps you and the ranking member...

(AUDIO GAP)

KYL: Do you have any information to indicate that the GAO requested your file?

DALE: No, sir, I do not.

KYL: Do you have any idea why the White House would say it was the GAO that had requested your file rather than themselves?

DALE: No, sir.

(AUDIO GAP)

KYL: ... certainly do, on behalf of the government apologize, and I think we're all committed to trying to do what we can to prevent this kind of thing to happening to others in the future.

KYL: I thank you very much for your willingness to be here today.

DALE: Thank you.

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SIMPSON: Thank you Senator Kyl. Senator Thompson.

THOMPSON: Thank you. Just following up on Senator Kyl's points that he made, this individual Marceca, it is true, there have been several accounts where he has said, apparently he has read every file.

So, who is this individual who you know has read your file? Apparently he is a part-time civilian employee of the United States Army. He was brought in on a part-time basis. His qualifications are that he worked in several Democratic political campaigns. Now, apparently no security qualifications -- we don't know if he had security clearance at this particular point.

I think maybe he's gone back to his civilian work now. So, whoever he is, and we'll find this out later -- we know that at least that individual who apparently was a personal friend of Mr. Livingstone. That's how Mr. Livingstone got -- Mr. Livingstone sought him out to personally handle this job because they'd both worked in several Democratic political campaigns together.

Well, who's Mr. Livingstone? Mr. Livingstone says apparently he didn't see any files and maybe only saw three files. But we also read and we'll get to the bottom of this I suppose that he is -- he used to work for Mr. Thomason who, the allegation is anyway, that they did what they did to you Mr. Dale to make a place for Mr. Thomason and his people over there. Is that right?

DALE: That's my belief.

THOMPSON: Do you know anything about the relationship between Mr. Livingstone and Mr. Thomason?

DALE: No, sir, I do not.

THOMPSON: Were you aware of the fact that he used to work for Thomason?

DALE: No, sir.

THOMPSON: Well, I think it's important to know. We're talking an awful lot about these lower level -- so-called -- employees. But as the chart indicates up there, these people are part of the White House counsel's operation. I mean, this is not any side deal. These other White House counsel's who have testified over on the House side,

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I think laid it out -- Mr. Culverhouse, Mr. Gray and all of that. Sure they used the stamp sometime with the counsel's name on it. I believe one did. Maybe one didn't. But they knew what was going on and they accepted responsibility for what's going on.

Mr. Livingstone apparently you know, never saw any of these files or maybe three. I can't tell from the reports yet. Mr. Kennedy doesn't know anything about anything. Mr. Nussbaum, you know, certainly never heard of any of this. So, we've got this part-time civilian Army employee who's qualifications have to do with politics and not security, as apparently being the only fellow who's really involved in this. And people wonder why we're a bit skeptical.

It was interesting to me to note that when it first became revealed Mr. Dale, that your file had been requested seven months after you had left employment, that Mr. Stephanopoulos was outraged and in his defense he said it was obvious that we weren't after Mr. Dale because we actually requested over 300 files improperly...

(LAUGHTER)

... and demanded an apology from all those who had been critical.

THOMPSON: I read in the FBI report that you weren't the only White House employee who was discharged whose file was requested. Mr. Barnaby Brasseux, is that his name?

DALE: Yes, sir.

THOMPSON: Mr. John Paul Dreylinger.

DALE: Dreylinger. Yes, sir.

THOMPSON: You find it interesting that those are early letters in the alphabet also? Yours and Mr. Dreylinger start with a "D". Mr. Brasseux's with a "B". In this particular group of files, they got all three of you with one fell swoop, didn't they, as far as requests were concerned?

DALE: Yes, sir. But I guess the question that keeps coming back to my mind is how did my file end up in the Travelgate investigation?

THOMPSON: Well, expand on that a little bit. I recall you mentioned that earlier. Is this -- did you discover this when your

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attorney got access to it? Is that when you...

DALE: No, sir. I discovered it when Mr. Clinger got access -- my FBI file was included in the 1,000 pages that he got the last time the White House delivered documents to him, and that's where it was discovered.

THOMPSON: And what -- that really started this whole inquiry.

DALE: Yes, sir.

THOMPSON: And what did that 1,000 pages supposedly represent, as far as...

DALE: Well, it represented the files that he had requested in his investigation of the Travelgate scandal, and I -- if I understand correctly, there was also a catalog in that. They catalogued the other 2,000 documents that said that they had Barney Brasseux's FBI file also in the...

THOMPSON: Well, now, how do you -- what is your point exactly? Is your point that someone above Mr. Marceca saw these files, or...

DALE: My point is that the White House's defense has always been that nobody saw these files. They came to the White House, and this detailee read them. They went into a safe, and no one else saw them.

Well, I think it's quite apparent that my file did not go into the safe. It was forwarded on to someone else. And everybody who has been involved in the Travelgate investigation at the White House conceivably could have seen that file.

THOMPSON: So it doesn't -- it doesn't cause you to rest easy to know that your file was, for about a year, I guess, in an office over at the White House?

DALE: Yes, sir. Closer to two years.

THOMPSON: Closer to two years. And apparently, after somebody else came in and saw that they improperly had those files, instead of turning them back in, they took them to the White House archives supposedly, which I understand is in the same office as personal security. Is that...

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DALE: Well, yes, I wondered where the archives is. I mean, it's...

THOMPSON: I understand it's in the same room in another safe.

DALE: I think it's the same safe, maybe just on the other side.

THOMPSON: OK. Well, we now know how to -- they're segregated. All right, sir. I think it's -- Mr. Kyl made -- Senator Kyl made the point that it's, you know, in this era of victims' rights, it's kind of interesting to require you to come in and prove all the ways you've been damaged.

I guess, you know, we know in 1993 that the same administration received and disseminated information from files from two Bush political appointees. Big flap about that. They got caught. They got caught.

I don't think we ought to be relegated to being critical of only those who have got caught, yet you don't know and you'll never know to what extent -- and the fact that many of you clearly were not targeted -- or most of you -- or almost all of you clearly were not targeted as such as for some kind of an enemies list.

That's a diversionary tactic. That fact does not eliminate the fact not only of incompetence at the best, but the distinct possibility that there were certain individuals -- three at the Travel Office -- you and your two colleagues perhaps...

DALE: Yes, sir.

THOMPSON: And the other high-level political appointees.

THOMPSON: Newt Gingrich's -- the fellow who is now Newt Gingrich's press secretary was one of the files that they had apparently over in the White House for about a year after they discovered that they should not have had it.

Thank you, Mr. Chairman.

HATCH: Thank you. Senator DeWine.

DEWINE: Mr. Dale, let me follow up on the line of questioning

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that Senator Thompson began. I want to go through some dates and make sure I've got the chronology correct. And if you could just let me go through this, and then if any of these dates are, to your knowledge, incorrect, you stop me as we go through.

May 19, 1993 -- you were fired. At that time, the White House said that there was evidence of mismanagement in the office and that the FBI was being called in.

July 2, 1993 -- White House again talks about -- it says there's going to be an internal management review, and then says that the Travel Office had severe management problems. "We did the right thing, but the wrong way."

December 20, 1993 -- the White House requested your file.
January 6, 1994 -- the background report is delivered to the White House. You were indicted December 1994, and then acquitted November 16, 1995.

Is that a -- are those dates correct, to your knowledge?

DALE: Yes, sir.

DEWINE: So, from May 19, 1993, until December 20, 1993, when the White House requested the files -- your file -- is a seven-month period of time. No indictment had taken place at that point, is that correct?

DALE: That's correct.

DEWINE: Yet the White House had been saying and had said from the day that you were fired that there was evidence of mismanagement and had made the fact known that the FBI had been called in. Is that correct?

DALE: Yes, sir.

DEWINE: What was going on in December of 1993, as far as your case was concerned? Were you aware that you were under criminal investigation at that point?

DALE: Oh, yes, sir. I was aware that the FBI was going through all of my financial record, all of my children's financial record, and everything up until then. I was notified somewhere around the middle

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of February that the FBI expected to hand down an indictment.

DEWINE: That was the first time, then, that you got that definitive word from them..

DALE: Yes. Yes, sir.

DEWINE: But for the general public, from -- for that seven-month period of time, there was no evidence that there was going to be an indictment.

DEWINE: And there's nothing to validate at that point the White House's charges that they had made when they fired you?

DALE: That's right.

DEWINE: And so, in a sense, the merits, the validity, the reason for the firing was still up in the air? In a sense, once the indictment comes down, at least for a time validates what the White House said when you fired. Of course then when the jury comes back, what, in less than two hours, acquits you, that's entirely a different ballgame.

DALE: Yeah, I think the way that I put it one time, it took, the pressure off the White House once the indictment was handed down, but once the acquittal came in, the pressure when right back to the White House.

DEWINE: So, Mr. Dale, when they requested this file on December of 1993, that had not occurred though, that indictment had not occurred at that point?

DALE: That's correct.

DEWINE: Thank you Mr. Chairman.

HATCH: Thank you. Senator Abraham.

ABRAHAM: Thank you Mr. Chairman. I appreciate that the panel's been here for quite a while so I'll try to wrap up fairly quickly. I think, Mr. Chairman, there's been the implication here that there's only a serious problem somehow if somehow there was a plan that was premeditated to create an enemy's list or something of the kind. I

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tried to stress in my earlier statement that I think gross negligence on the part of anyone who's entrusted with these kinds of responsibilities is in itself a very serious problem.

But I also think that it's a fairly serious problem if the people who are in authority, the people above those who were at the actual operations level, failed to act appropriately when it was discovered that these activities had gone on.

So the question I have is how about how the White House handled a possible violation of the Privacy Act when in early 1994, I guess, it was discovered that these files had been requested and evidently, according to his very own statement from Mr. Marceca, had been read at least by him, if not others.

I guess I would ask the panel, what would you have expected your presidency or the White House to do when they came upon or the discovery that these file requests had been made and that the White House was in fact in possession, inappropriately it would seem, of hundreds of files of individuals for whom they had no purpose to be there.

MCBRIDE: I should have been fired immediately, if I was responsible.

ABRAHAM: Anybody else want to...

CRAIG: I think they would take it upon themselves to realize that they've made a mistake and send it back immediately or at least notify somebody in charge that, hey, we've got a big mistake here. We've got a bunch of people from the Bush White House that it's not appropriate for us to look at it. The fact that they continued to look through hundreds of files and waste taxpayer money, and man hours and copying or whatever the delivery of the documents cost, is ridiculous.

MCBRIDE: Or to keep them for two years.

ABRAHAM: Mr. Dale? Anybody else?

DALE: I think if it had been in my office, they would have been returned to the FBI immediately.

ABRAHAM: Well, then let me ask you, what is -- I'll ask each of you this just in order of that you're seated there -- what is

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the statement made to you as a victim in this, that after this was discovered, nothing was done by the White House to the people who oversaw this project and that now Mr. Livingstone has been placed on administrative leave with pay. What is that statement to you?

CARROLL: I don't think it would have been like that in the Bush White House.

CARROLL: And it makes me question the Clinton White House, the way they're handling lots of different issues these days. And I think that -- I don't think Mr. Livingstone was put on administrative leave until the letter was sent asking him to be put on administrative leave.

ABRAHAM: Well, I believe it just happened very recently.

CARROLL: Right. And I think it was after that that we asked them to put him on administrative leave and with pay. I mean, now he's on paid vacation.

ABRAHAM: Anyone else want to comment?

(UNKNOWN): My -- I guess it would just -- it doesn't bother me as much that he's on administrative leave until we find out if he had some bad intent. But if we find that, then it's obviously troubling that that took place.

MCBRIDE: Senator, I would just like to be assured that somebody understands how serious the nature of these files, the confidentiality, all the information contained in them -- that they understand how important that is.

DALE: Senator, over my years at the White House, I am personally aware of cases where when we were out on the road traveling with the president, if one of the White House communication personnel goofed up on the trip, I know that orders were cut to have him transferred out of the White House before he ever got back to Washington.

That's how serious that other White Houses and administrations took goof-ups like this.

ABRAHAM: Well, Mr. Chairman, I don't want to continue. I have an array of additional questions which go along the same lines, such as why such a delay between when the discovery of this occurred and any change in the process?

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The change -- now we're being told that the process is being changed. Somebody new is being brought in. But it seems to me two full years have elapsed. Obvious problems occurred a long time ago, and I guess I just seriously question the reason for this delay.

The reason that the people who oversaw the project were not scrutinized at the time the discovery of these file requests was originally made. It just seems to me that that's a very serious breach of the responsibility not of the people in the operations level, but in the people above them -- in the Counsel's Office and elsewhere in the White House who I think have to assume some responsibility for the handling of this matter.

Now, whether or not there was malevolent intent in securing the files in the first place, in my way -- my view, is only part of the question. There is a separate question of how once the discovery was made, the White House chose to respond.

It just seems to me that we've had a lengthy delay and very little response, either in investigating it more fully or in dealing with people who have obviously engaged in conduct which is at best grossly negligent.

Thank you.

HATCH: Thank you, Senator. Senator Biden, who does have some questions. So we'll give you a few more and then...

BIDEN: Yes, I have a few more questions to kind of wrap up my thinking. By the way, Ms. McBride, you're a really good witness.

MCBRIDE: Thank you.

BIDEN: You ran the personnel office, is that...

MCBRIDE: Correct. The White House Personnel Office.

BIDEN: White House personnel?

MCBRIDE: Right.

BIDEN: So let me ask you a question. I want to know how other

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White Houses worked. When the people who worked for -- whose names you had -- White House people you were...

MCBRIDE: Were responsible for. Sure.

BIDEN: ... responsible for. Did all of them have an FBI file?

MCBRIDE: They would have one, sir. Yes.

BIDEN: They would have one. And how did it work in the Bush administration, or I guess you were there with Reagan, too?

MCBRIDE: Yes.

BIDEN: How did it work? Did somebody in the Reagan administration ask the FBI to do a file on, you know, I'll try to pick a name -- I hope there's no Charlie Schmedlap (ph). Charlie Schmedlap (ph). Charlie Schmedlap (ph) is going to come and work in the press office.

MCBRIDE: OK.

BIDEN: Now, somebody in the Bush administration -- I guess the Legal Counsel's Office or the Reagan would ask the FBI would you send -- can you put that thing back up, that form that was -- would send the form over?

I mean, don't testify to this if you don't know how it worked. I'm just -- but you seem to know.

MCBRIDE: OK. Sure.

BIDEN: Would they have sent a form like that over to the FBI saying, you know -- To: FBI, From: White House counsel. In that case, it would have been Boyden Gray, whomever. Re: Jack Schmedlap (ph). You know, we want to, you know, we want a field investigation done because we want to hire him.

MCBRIDE: OK. Senator, I can tell you that that particular form is one that I would not see because that would be within the counsel's Office. From my office, if the press secretary to the president wanted to hire Mr. Schmedlap (ph), he would submit or they would submit two documents to my office -- a request to bring that person on

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board, called a request for personnel action.

Attached to that would be a request for least the name check for that person to begin.

BIDEN: Name check, i.e., FBI look into it.

MCBRIDE: Right. And that piece of paper, which would be the only piece of paper my office would ever see, would have very basic information -- their name, address, date of birth.

BIDEN: And that would be sent to the FBI -- that would assure you that there's been a request for a background check.

MCBRIDE: That would be sent from my office immediately to the Security Office, and they would...

BIDEN: Security...

MCBRIDE: Right. And the Security Office, reporting to the counsel to the president, would begin the name check process. Right.

BIDEN: ... would then send it to the FBI. Gotcha. OK. Now, you all are aware that in the administrations you worked in, somebody read your FBI file, right?

MCBRIDE: Absolutely.

BIDEN: I mean, so the issue is -- did that offend you even then to know that somebody read your FBI file?

MCBRIDE: No, I knew that was a condition of my employment there that someone would investigate it and determine if I was suitable for an appointment at the White House.

BIDEN: But someone -- but you knew someone had to read it...

MCBRIDE: Right.

BIDEN: ... in order to know whether or not you should or shouldn't be hired, right?

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MCBRIDE: Absolutely.

BIDEN: By the way, I'm offended by that, even though I know it has to be done. I mean, I'm offended that they ask such dumb questions. I'm offended this committee asks such dumb questions of judicial nominees.

Some of them we ask I think are totally irrelevant to whether or not the nominee can do the job. At any rate, so the offense part here is at least there I assume the reason why you weren't offended you had pretty -- you had a high degree of confidence that only one person was going to read it, and you trusted that person. You just assumed it would be a trustworthy person, right?

MCBRIDE: It may be more than one person. It would be the people who...

BIDEN: But at least one would have to have read it, right?

MCBRIDE: Right.

BIDEN: And the reason that didn't offend you is that it wasn't a violation of your privacy in the sense that you knew it was a condition of employment, and you knew someone would read it, and you just assumed that someone would read it would not dispense it to anybody.

MCBRIDE: Correct.

BIDEN: Even though someone would have it, right?

MCBRIDE: Correct.

BIDEN: Do all of you agree with that?

ALL: Yes.

BIDEN: OK. Now, the offensive part here is to you all, if I'm -- I want to get this straight -- and I'd be offended -- but at any rate, the offensive part here is somebody else asks for it, somebody else read it -- at least one other person had to read it, or else they wouldn't -- I mean, there's no purpose of asking for

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it unless you get a read.

If the purpose was to determine you were a holdover or not, assume for a moment that it was a legitimate intent. Assume it was a legitimate mistake, just for the sake of discussion.

The offensive part here is that you didn't want a job. So the idea -- there was at least one extra person reading the stuff you didn't like anybody reading and for no purpose.

BIDEN: The only legitimate purpose to read it is you want a job, right?

MCBRIDE: That's what we were counseled on.

BIDEN: Yes, no, I just...

MCBRIDE: I'm sure.

BIDEN: ... I just want to make sure I got it straight.

Now, the part that offends me here -- me, not you -- they didn't read my file, they just can open the New York Times and read my file, I guess, they didn't read my file or any newspaper, they didn't read my file, but what offends me here is the people who read the file -- at least the one person who asked for the file -- does not have an overwhelming case for a great security background area. So that it makes me uneasy. That's the part that bothers me, if I were you, more than -- now, if the person that read your file had been a former head of the FBI who was appointed by a Republican administration and was a solid person, I wouldn't be as worried because I would not -- because I would think the person at least was competent who read my file.

MCBRIDE: I would still be offended by that. If I was not seeking employment, that person had no right to it.

BIDEN: Got you. And so it goes to whether or not, why they asked...

MCBRIDE: ... have it at all.

BIDEN: ... for your file in the first place. OK. Now, second point is, Mr. Dale, there's a lot of talk about legitimate discussion

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about when your file was asked for, when it wasn't, what your state of affairs was relative to the White House, being fired, not fired -- I mean, fired, investigated, indicted, not indicted, investigations going on.

One of the things that's been raised on the floor of the Senate I want to ask you.

Did you ever make a written offer to the Justice Department agreeing to plead guilty to a felony?

DALE: No, sir. The plea bargain said that I would agree that checks went into my checking account that should not have gone, but I would not plead guilty that they were used for my own personal use.

BIDEN: But were you willing to plead guilty to anything?

HATCH: Joe, Joe, this is completely irrelevant to this hearing. I don't think you should get into that type of stuff. He's been through enough without that.

BIDEN: Well, no, I...

HATCH: By gosh.

BIDEN: Well, no, the only reason it may or may not be relevant is what the purpose was here behind asking for Mr. Dale's file. Was Mr. Dale one of the people whose name appeared in a list that was alphabetical? Or was, in fact, because it's making it out to be that there was no reason for any -- let me back up. I'll withhold the question.

HATCH: I think you should withhold that.

BIDEN: Let me ask it another way.

Let me ask it another way.

Or ask another question.

Your attorney surely is aware -- I'm positive he has to be or else he wouldn't be a competent attorney -- he's aware that the

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prosecutor, when -- once you were indicted, the prosecutor had, under the Privacy Act, the right to get your FBI file.

And it was certain that they would. No prosecutor wouldn't do that. That's automatic. There is written into the law, the Privacy Act, which prevents people from being able to see your file, if you're indicted, a prosecutor has access to that.

So what confuses me here is, if we already know the prosecutor, who is taking you to court has the right to get your FBI file as a matter of law, why would there be an additional attempt to get your FBI file by the same outfit?

DALE: Senator, the FBI has authority to do a lot of things that I didn't know they had until they took me to court. I thought it was very interesting that my attorney told me after the trial, it's amazing the FBI knew everything about you and your family, but yet they knew nothing about the Dale family.

Now, what he meant by that...

BIDEN: I'm sorry?

FEINSTEIN: We missed that.

DALE: What he meant by that is on paper, they knew everything that could be known about us. But they didn't know the true Dale family.

BIDEN: Oh, by the way, I think that's a valid statement to make. That just reinforces the point I'm making. They had access under the law for all the stuff that was in your file, not -- and unredacted. They had access to all of that.

PARTIAL TRANSCRIPT - COMPLETE TEXT NOT YET
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GUESTS APPEARING ON WHITEWATER TRIAL RELATED PROGRAMS (PLACED BY
WHITE HOUSE) 5/21 - 6/2

Larry King Live
Guest - Richard Ben-Veniste; Ann Lewis
5/21 - 9:00pm

CNN - Inside Politics
Guest - Mark Fabiani; Lynn Cutler
5/21 - 9:00pm

CNN - CrossFire
Guest - John Podesta
5/21 - 7:30pm

CNN - Morning
Guest - Mark Fabiani
5/22 - 7:30am

ABC - Nightline
Guest - Chris Dodd
5/21 - 11:30pm

ABC - Good Morning America
Guest - Lloyd Cutler
5/22 - 7:35am

CBS - Morning News
Guest - John Podesta
5/22 - 7:15am

Fox - Morning News
Guest - Judge Mikva
5/22 - 7:30am

CSPAN - Washington Round Table
Guest - Don Sweitzer
5/22 - 8:00am

CNN - Talk Back Live
Guest - Don Sweitzer
5/22 - 3:00pm

CNN - Burden of Proof
Guest - Lanny Davis
5/22 - 12:30

CNBC - Morning
Guest - Barney Frank
5/22 - 7:30am

WLIM Radio (DE)

Guest - Lanny Davis
5/22 3:00pm

CBS Radio - Gil Gross (NY)
Guest - Mark Fabiani
5/21 - 9:00pm

WABC Radio - Lyn Samuels (NY)
Guest - Jim Tierney
5/21 - 8:00pm

CNBC - 12:00 News
Guest - Lynn Cutler
5/22 - 12:00

Wisc. Public Radio
Guest - Butler Derrick
5/22 - 5:00pm

KSST - Jeff Katz (CA)
Guest - Mark Fabiani
5/22 - 11:45am

Michael Jackson Show (LA)
Guest - Mark Fabiani
5/22 - 1:00pm

NPR - Talk of the Nation
Guest - Mark Fabiani
5/22 - 2:00PM

KMOX - Charles Jaco (MO)
Guest - Mark Fabiani
5/22 - 3:15

Bill Nugent - WJNO (FL)
Guest - Mark Fabiani
5/22 - 3:30pm

Allan Combs (National)
Guest - Mark Fabiani
5/22 - 3:45pm

Ellen Ratner - Talk Radio Connection (DC)
Guest - Mark Fabiani
5/22 - 4:30pm

BBC News
Guest - Mark Fabiani
5/22 - 6:00pm

The Rob & Daniel Show (Bakersfield, CA)
Guest - Rich Goodstein
5/22 - 6:00pm

WCCT - (NJ)
Guest - Mark Fabiani
5/23 - 8:15am

News 12 (NJ)
Guest - Mark Fabiani
5/23 - 8:30am

FOX News
Guest - Mark Fabiani
Bill Line (898-0786)
5/22 - Evening

CNBC - Geraldo
Guest - Lanny Davis
5/22 - 7:30pm

CNN - Burden of Proof
Guest - John Podesta
5/23 - 12:30

CNN - News Saturday
Guest - Lynn Cutler
5/25 - 9:00am

ABC - Brinkley
Guest - Dodd
5/26 - 11:00am

Fox - News Sunday w/ Tony Snow
Guest - David Pryor
5/26 - 9:00AM

D'AMATO REPORT PRESS APPEARANCES BY FABIANI 6/15-6/19

ABC NIGHTLINE (6/15)

FOX NEWS (6/16)

CNN SAT (6/16)

ABC NIGHTLY NEWS (6/17)

FOX SUNDAY (6/17)

CNN SUNDAY (6/17)

NPR (6/17)

AP RADIO (6/17)

AP PRESS RADIO LIVE (6/17)

CBS RADIO - (6/17)

NBC MUTUAL RADIO (6/17)

ABC - GMA (6/18)

NBC - TODAY (6/18)

FOX NIGHTLY NEWS - (6/18)

CNN - (6/18)

AP TV - (6/18)

CONUS TV - (6/18)

TRIBUNE BROADCASTING - (6/18)

ABC NIGHTLY NEWS - (6/18)

LARRY KING LIVE - (6/18)

ABC RADIO - (6/18)

NBC MUTUAL RADIO - (6/18)

CBS RADIO - (6/18)

BBC RADIO - (6/18)

GILL GROSS SHOW - (6/18)

DIANE REHM SHOW - (6/19)

WNYC ALAN COMBS SHOW - (6/19)

WNYR - (6/19)

FBI SURROGATE APPEARANCES FROM 6/17-6/20 (PLACED BY WHITE HOUSE)

LARRY KING LIVE - LANNY DAVIS
 CONG. LANTOS

CROSSFIRE - LANNY DAVIS
 JOHN PODESTA

BURDEN OF PROOF - LANNY DAVIS
 JOHN PODESTA
 CONG. MORAN

LEHRER NEWS HOUR - CONG. MORAN

CHRIS MATTHEWS - CONG LANTOS

CNBC - CONG MORAN

GERALDO - LANNY DAVIS