

FOIA MARKER

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

Folder Title:

Billy Dale Security File - Wendy S. White Working Documents [Folder 2] [1]

Staff Office-Individual:

Counsel's Office-White, Wendy

Original OA/ID Number:

CF 802

Row:	Section:	Shelf:	Position:	Stack:
21	5	1	1	v

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. form	Personally Identifiable Information [partial] (1 page)	12/20/1993	b(7)(C), b(6)

COLLECTION:

Clinton Presidential Records
Counsel Office
Wendy White
OA/Box Number: CF 802

FOLDER TITLE:

Billy Dale Security File - Wendy S. White Working Documents [Folder 2] [1]

2006-1066-F

vz3605

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

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July 3, 1996

The Honorable Leon Panetta
Chief of Staff to the President
The White House
Washington, D.C. 20500

Dear Mr. Panetta:

As you know, the Senate Judiciary Committee is conducting an investigation concerning the improper request by the White House for the FBI background files of more than 400 individuals who no longer worked at the White House. As part of that investigation, and in order to prepare for additional public hearings, we are requesting that present and former White House personnel, as specified below, produce documents and records to this Committee.

The White House may have custody, control, or possession of records, including documents or records of present and former White House personnel, that relate to the FBI files controversy. Our request embraces these documents and other records, within the custody or control of the White House including the Office of Records Management, relating to those matters.

On June 13, I sent you a letter asking a series of questions about the White House's improper acquisition of FBI background files of individuals from prior administrations. On June 19, Counsel to the President Jack Quinn responded on your behalf that in deference to the Independent Counsel, you had not conducted a search for material that would allow you to respond fully to these questions, but that you would provide the information you had available. I believe that providing the Committee with the documents I am requesting is consistent with Mr. Quinn's representations in his June 19, 1996 letter.

Accordingly, please provide all documents, regardless of format, including, but not limited to, e-mail, electronic "dump files," memorandum, correspondence, notes, and material in any other medium, including drafts of the foregoing, that relate in any manner to the following (1) the White House Personnel Security Office's "Project Update"; (2) the White House Personnel Security Office's procedures for requesting, reviewing, maintaining, and safekeeping F.B.I. background information files; (3) the staffing of the White House Personnel Security Office; (4) access to and the operation of the White House Personnel Security Office (5) meetings between any member of the White House Personnel Security



Office and members of the White House Counsel's Office, the Office of the White House Chief of Staff, the Office of the Counselor to the President, the Office of the First Lady, and the Office of Presidential Personnel; (6) visitors to any member of the White House Personnel Security Office; (7) communications to or from the White House Personnel Security Office; (8) reprimands or disciplinary action taken regarding members of the White House Personnel Security Office or the White House Counsel's Office concerning F.B.I. files and confidential background information; and (9) all individuals serving in the White House who were authorized to review F.B.I. files.

The relevant time period for this request is from January 20, 1993, to the present.

Your response should include, but not be limited to, the following:

(A) A listing of all persons who served in the White House Counsel's Office from January 20, 1993, to the present. Please include the individuals' titles and dates of service. Please identify all individuals who served in the Personnel Security Office or provide a separate list of those individuals. Please include, or list separately, all volunteers, interns, or other unpaid staff who worked in the White House Counsel's Office or the Personnel Security Office from January 20, 1993, to the present. Please include the salaries of all persons who served in the Personnel Security Office during this time.

(B) A listing of all persons in the White House Counsel's Office or any other White House office who had the authority to review F.B.I. background files from January 20, 1993, to the present.

(C) The dates when all individuals serving in the White House Personnel Security Office -- including, but not limited to, Mr. Craig Livingstone and Mr. Anthony Marceca -- obtained their security clearance, the level of clearance, the name of the individuals or individuals who conducted their background investigations.

(D) All memos to and/or from Craig Livingstone, Anthony Marceca, William Kennedy, Bernard Nussbaum, Bruce Lindsey, Vincent Foster, Joel Klein, Lloyd Cutler, Abner Mikva, John Quinn, Jane Sherburne, Beth Nolan, Christine Varney, Steve Neuwirth, Cheryl Mills, Cliff Mauton, Christopher Cerf, Tray Schraeder, Ed Hughes, Jonathan Denbo, Mari Anderson, Lisa Wetz, Mack McLarty, Patsy Thomasson, and David Watkins regarding the following subjects:

- (i) updating White House passes
- (ii) security clearances
- (iii) FBI background files or FBI background investigations
- (iv) operation of the White House Personnel Security Office
- (v) Craig Livingstone
- (vi) Anthony Marceca
- (vii) replacing personnel files removed by the Bush Administration
- (viii) project update

(E) All records of Craig Livingstone's entrances and exists to the White House complex from May 1, 1996, to June 20, 1996. [REDACTED]

(F) Any records of every occasion on which Craig Livingstone and Mr. Anthony Marceca have been in the White House from January 20, 1993, to the present.

(G) All records of visitors to the White House to see Craig Livingstone or Anthony Marceca from January 20, 1993, to the present.

(H) All records of phone logs or messages for Craig Livingstone or Anthony Marceca from January 20, 1993, to the present. Please provide any calendars and another other documents reflecting any meetings in which Mr. Livingstone and/or Mr. Marceca participated.

(I) All information on who hired Mr. Craig Livingstone. Please name all individuals who made recommendations or who approved Livingstone's employment in the Personnel Security Office.

(i) Please provide all information on who requested Mr. Anthony Marceca to be detailed at the White House in 1993.

(ii) Please provide the dates of Mr. Anthony Marceca's detail in the White House Office of Personnel Security.

(iii) Please provide the dates of any other position(s) Mr. Marceca held with the White House prior to or following his detail in the White House Office of Personnel Security.

(J) Please provide a copy of any Memorandum of Understanding between the White House or the Clinton/Gore transition team and the FBI and/or the Justice Department regarding FBI background reports.

(K) Please identify all persons who assisted in compiling and/or typing the alphabetical list of names of the 333 persons whose files were improperly requested and received by the White House. Please indicate the location of the original and when it was compiled.

(L) Please provide any documents relating to the discovery, archiving, or storage of the 333 improperly obtained FBI files since 1993. Please indicate when the files were sent or transferred to the White House Office of Records Management for storage, and if the files were then transferred to the United States Archives, and who approved the transfers. Please indicate when any of these documents were retrieved from the White House Office of Records Management or the Archives, who retrieved these files, and the purpose of the retrieval.

(i) Please provide all documents relating to the storage of all material from the White House Office of Personnel Security with the White House Office of Records Management.

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(ii) Please indicate the dates on which this material was stored and the location(s) of these stored materials.

✓ (iii) Please identify the dates on which additional storage containers and/or storage areas added to the White House Office of Personnel Security.

Ask
Tom T.

(M) Please provide any logs, check-out sheets or other similar documents maintained for all FBI background files stored in the White House Personnel Security office since January 20, 1993.



(N) Please provide any documents describing how the White House determined that the first 333 files, and then the 138 files returned to the F.B.I. later, were improperly requested. If no such document(s) exists, please provide a written description of the process by which the White House determined that these files were improperly requested.

(O) Please advise whether Mr. Livingstone's or Mr. Marceca's attorneys are being paid by the United States, and if so, under what authority. Please advise whether any commitment has been made to reimburse Mr. Livingstone or Mr. Marceca for their attorney's fees, and if so, who made that commitment and under what authority it was made. Please provide any documents relating to this matter.

(P) Please provide a copy of the "Personal Data Statement Questionnaire" that, according to the June 20, 1996, *Washington Times*, was distributed to the 1993 career White House employees. Please indicate the date(s) on which these questionnaires were distributed. Please provide the list of all holdover employees to whom these questionnaires were distributed. Please describe how that list was compiled at the time of the distribution of the forms. Please provide any other documents relating to the distribution of this questionnaire, other than the individual employee's responses.

By
10/6/96
G...

(Q) Please provide any documents relating to President Clinton's assertion of executive privilege cited on May 10, 1996, as the basis for Mr. Quinn and Mr. Watkins' non-compliance with the subpoena issued by the U.S. House Committee on Governmental Reform and Oversight. Please provide any documents created before, contemporaneously with, or after that assertion of privilege regarding Billy Dale's FBI file or the request form for that file. Please provide any documents discussing or analyzing whether executive privilege could be asserted with respect to Billy Dale's FBI file or to the request for that file. If no documents exist, please describe any review conducted concerning the assertion of privilege over Mr. Dale's file or the request form for that file, who conducted the review, and to whom the review was provided.

(R) Please provide all documents relating to President Clinton's revised claim of executive privilege on or about May 30, 1996 permitting the release of 1000 pages of documents, but requiring the withholding of 2000 pages of documents from the U.S. House Committee on Government Reform and Oversight.

(S) Additionally, a June 26, 1996 Washington Times article entitled, "Security System Computerizes Personal Data," which alleges that the White House has a secret computer system that tracks detailed personal information on "tens of thousands of people." The article further alleges that in addition to storing information about family ties, political loyalties and whether people are "important" by region, city or state, the system has the capability of interfacing with the computers at the Democratic National Committee. If true, the use of taxpayer dollars for such political purposes may be in violation of 31 U.S.C. 1301.

Please provide the following information:

- (i) All records of or pertaining to the facilities management contract for the Office of Administration's Information Systems and Technology Division (awarded to PRC, Inc. and/or any subsequent vendors) from January 20, 1993 to the present;
- (ii) The name of the individual(s) who ran the facilities management contract for the Office of Administration's Information Systems and Technology Division (awarded to PRC, Inc. and/or any subsequent vendors) from January 20, 1993 to the present;
- (iii) All records of procurement under the facilities management contract for the Office of Administration's Information Systems and Technology Division (awarded to PRC, Inc. and/or any subsequent vendors) from January 20, 1993 to the present, including, but not limited to, all sub-contracts under that contract;
- (iv) Any and all information provided by the Democratic National Committee that was entered into the database;
- (v) Identify by name and title the political appointees who oversaw the creation and implementation of the database;
- (vi) Identify by name and title the individuals who had access to the database;
- (vii) Identify by address and room number the locations of the special remote computers that could access the database;
- (viii) Provide a list of the fields in which information was input into the database; and,
- (ix) Provide schematics, flowcharts, guidelines and codes on how to operate the database system.

Another purpose of this letter is to direct to your attention one particular request in my letter to you dated June 13, 1996, that was not answered and urge you to have it addressed immediately. Question 7A of the June 13 letter asked for "a copy of the lists upon which these request[s] [for FBI files] were made." In light of reports that the list may have been destroyed, I ask that you immediately search for and provide to the Committee a copy of any such lists as soon as possible, even if your response to this particular inquiry precedes your reply to other requests contained in this letter.

Committee staff have contacted the Independent Counsel to ensure that this request will not impede the Independent Counsel's investigation. The Independent Counsel has informed us that it will communicate with the White House directly as to any concerns regarding the timing or the terms of this document request. If the White House intends to refuse to comply with certain production requests in this letter based on concerns about the Independent Counsel's investigation, we expect you to identify the specific objections raised by the Independent Counsel as to specific requests in this letter.

Please indicate where, including from which White House Office, and from whom each of those responsive documents was obtained. It would also be helpful if you provided a list of materials that you are submitting so that the Committee and your office will have a common list of records supplied by the White House.

If the White House decides to withhold any documents, please provide a log identifying each such document, the date, author(s), recipient(s), the subject matter of any such documents, and the basis on which the document is not being provided. The Committee's staff is available to meet with you and your staff to expedite your response to this request and to answer any questions. If you are aware that any document responsive to any request contained in this letter has been destroyed, please identify any such document and the circumstances of its destruction including the names of those who destroyed it and the date of such destruction.

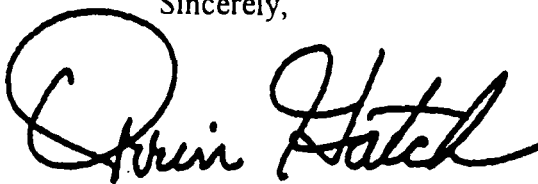
The materials should be delivered to Anna Cabral, Chief Clerk, 224 Dirksen Senate Office Building. You may submit copies in response to this request so long as they are identified as such, but the Committee reserves the right to obtain the originals. If a document exists in multiple copies in different locations, please provide a copy from each location. As you know, the Committee is seeking to complete its work as expeditiously as possible. Therefore, it is necessary that the Committee receive these documents no later than July 12, 1996.

This request is an initial request and may be supplemented by additional ones. We

recognize that you may wish to designate a White House official who will be responsible for responding to this request.

Your cooperation with this matter is greatly appreciated.

Sincerely,

A handwritten signature in black ink, reading "Orrin Hatch". The signature is written in a cursive style with a large, circular initial "O".

Orrin G. Hatch
Chairman

cc/ The Honorable Jack Quinn, Counsel to the President
Mr. Terry Good, Director, White House Office of Records Management

OGH:mcr

May 7, 1996

DESCRIPTION OF WORK PRODUCT MATERIALS THAT HAVE NOT BEEN PRODUCED

● Category 1 - Independent Counsel

The Independent Counsel is conducting a criminal investigation which relates to Foster's involvement in the Travel Office. Materials relating to this investigation include Grand Jury subpoenas, documents prepared in the course of responding to these subpoenas, interview notes, notes of meetings with the Independent Counsel, internal memoranda, talking points and correspondence relating to these investigations.

● Category 2 - Congressional Hearings and Subpoenas

The House Committee served a subpoena and conducted hearings involving the Travel Office matter. In addition, there have been Congressional hearings and document requests concerning the matters that would be responsive to the House subpoena relating to Vincent Foster. The documents in this category, therefore, include legal analyses of relevant issues, talking points prepared by White House counsel, notes and memoranda in preparation for hearings and generated in the process of responding to document requests, notes of discussions of Committee staff and Members, witness interview notes and other material of the kind necessarily and appropriately generated by lawyers in preparing for hearings and in responding to document subpoenas.

● Category 3 - Other White House Counsel Documents

There are a handful of work product documents that have not been produced because they are not primary source documents, contemporaneously prepared, concerning (1) the firing of the Travel Office employees; (2) the White House Management Review of the firing and surrounding events; or (3) any of the subsequent investigations of the related conduct that, according to the Chairman, are also subject to the Committee's inquiry. These documents include:

1. Counsel's Office vetting notes
2. Counsel's Office staff meeting notes
3. Legal memoranda on issues unrelated to the Travel Office (Re: Computer technology and ARPA funds)
4. Legal memoranda concerning SGE access to the White House and other issues related to the Travel Office matter -- created contemporaneously with the Travel Office events

5. Notes of the former Deputy Counsel concerning Executive Order proposals for the new Administration
6. "Staging Memorandum" of Harry Thomason
7. Billy Dale Personnel Records
8. Counsel office notes relating to the Travel Office Not including contemporaneous notes which reflect the events of the travel Office matter and not including documents reflecting how the White House responded to prior investigations

DOCUMENTS THE WHITE HOUSE IS PREPARED TO PROVIDE ACCESS TO

We are prepared to permit the Committee to review the documents in Category 3 in camera. While these documents constitute attorney-work product, providing access will not result in a crippling invasion of the Counsel's Office ability to function because none of these documents were generated in an effort to respond to the Independent Counsel's criminal investigation or to Congress.

The underlying principles are these:

● First, the Committee had said it is investigating (1) the firing of the Travel Office employees and (2) whether the White House obstructed the GAO, OPR, and Public Integrity in conducting their investigations. All documents which are relevant to these inquiries are being produced.

● Second, the White House is prepared to make available work product -- for which the Committee has no demonstrable need -- but which can be provided to the Committee without a fundamental invasion of the work of the Office.

● Third, what the White House is not prepared to provide to the Committee are those materials the production of which would critically impair the ability of White House lawyers to handle and respond to Congressional investigations and the Independent Counsel now and in the future. These are materials for which the White House's interest in confidentiality is the strongest -- and the Committee's generalized oversight need, non-existent.

Anger Inquiry

AGENDA

1. Public Integrity Privilege Log Material YES (12 in camera)
2. Internal Deliberative Material Concerning Investigations
 - a. Congressional hearings NO
 - b. Independent Counsel NO
 - c. Other reviews/investigations YES (same in camera)
3. Vetting/Personnel Records ~~YES~~ YES (in camera)
4. Counsel's Office Staff Meeting Notes NO
5. Subpoenaed Legal Analysis Unrelated to Travel Office Issues YES
(IN CAMERA)
6. Infeasible
 - a. 10 months of E-mail; pager records (3 months)
 - b. Phone messages unrelated "on their face"
 - c. Post-employment contacts with Watkins and Kennedy
2100 Boxes; 800 from former employees)
 - d. Hard drives
7. Previously agreed to exclusions
 - a. Purely personal notes/greetings
 - b. Excise tax records unrelated to UltraAir

DRAFT -- FEBRUARY 15, 1996

MEMORANDUM TO THE FILES

Re: Status of Document Review/Production

This memorandum summarizes the status of White House document production pursuant to the January 11, 1996 subpoenas issued by the House Committee on Government Reform & Oversight in its Travel Office inquiry.

I. Background

On January 11, 1996, the Committee issued subpoenas to the White House and six current employees.¹ The subpoenas issued to the White House, in large part, tracked a September 18, 1995 document request of the Committee. A substantial amount of the material sought in the subpoenas, therefore, either already had been provided or collected. The subpoenas did, however, contain several new items² and sought records created over a longer period of time.³ We, therefore, sent out new EOP-wide requests for responsive material.⁴

¹ Six of the eight subpoenas were issued to current White House employees (Bruce Lindsey, Margaret Williams, Todd Stern, Patsy Thomasson, Mack McLarty and Catherine Cornelius). Those subpoenas differ somewhat, but in most respects are identical. The remaining two subpoenas -- issued to the custodians of the Office of Administration and the Executive Office of the President -- are identical.

² Reqs. 6, 11, 16-18, 21-22, 26-30.

³ Our prior negotiations with the Committee had resulted in a May 1995 cut-off date for the September 18 request, i.e., only those documents created as of May 31, 1995 would be deemed responsive.

⁴ Recently, the Committee issued 23 new subpoenas to current (6) and former (17) White House employees. Those subpoenas largely duplicate the White House subpoenas. We are circulating a memoranda directing those individuals to forward all responsive White House (as opposed to personal) records to the Counsel's Office for production. Any responsive personal records should be produced directly to the Committee by the

II. Interpretation Issues

The Committee's subpoenas are exceptionally broad and replete with undefined or ambiguous terms. Despite these defects, we have attempted to interpret the requests literally, erring on the side of over-inclusion. To assist White House staff in identifying responsive material, we have incorporated the following clarifying instructions into the requests circulated to the EOP:

1. *"White House Project" (Reqs. 1).* We have employed the definition found in certain individual subpoenas, describing this effort as involving "both improving the 'staging' of Presidential events as well as finding a way to utilize excess Presidential Inaugural Commission funds for outsourcing White House assistance or providing assistance to the White House."
2. *Peat Marwick employees or officials (Reqs. 5, 16).* We have identified the Peat Marwick employees whom we know participated in the Travel Office review or represented Peat Marwick employees in Travel Office related inquiries (Larry Herman, Leslie Casson, Carolyn Rawdon, Dan Russell, Nicholas Di Carla, Charles Siu and John Shutkin).
3. *Dates Bill Kennedy and David Watkins left the White House (Req. 18).* We used the effective dates of resignation identified on these individuals' termination SF-50 forms.
- d. *"[E]mployees of the Military Office" (Reqs. 16).* We compiled a list of all employees of the Military Office from January 20, 1993 to the present.
- e. *"[E]mployees of the White House Counsel's Office" (Reqs. 1, 5).* We compiled a list of all employees of the White House Counsel's Office from January 20, 1993 to the present.

In addition, we have interpreted the phrases "employees of the White House Travel Office" or "White House Travel Office employees" (used in the "Definitions and Instructions" of the

individual. We followed this same procedure with respect to responsive White House records of the six current employees who received subpoenas on January 11, 1996.

subpoenas) as referring to the seven Travel Office employees dismissed on May 19, 1993.⁵

III. Document Collection and Review Efforts

To respond to the Committee's subpoenas, we have done the following:

1. circulated requests for responsive material to all EOP employees and the Office of Records Management
2. circulated specific requests to individuals identified in items 1 and 14-16
3. reviewed material collected in response to those requests
4. reviewed computer print-outs prepared by ORM of potentially responsive documents, reviewed those that appeared responsive, and provided responsive material
5. reviewed phone message logs and calendars for numerous individuals
6. reviewed prior Travel Office related document collections (maintained in Counsel's Office) and provided responsive material

Pam Brewington and Cathy Moscatelli have prepared a list of the boxes of material that have been reviewed.

IV. Categories of Material Not Provided

1. With the exception of material relating to the Dale prosecution or the discovery of the Watkins memorandum, we have not provided material prepared in connection with this Committee's investigation or any other congressional investigation, such as the Senate and House Whitewater investigations (includes talking points, fact analyses, chronologies, meeting notes, *phone messages, calendars* etc.)
2. Material relating to the ongoing criminal investigations by the Independent Counsel (includes correspondence, subpoenas, document requests as well as attorney work product)

⁵ Billy Dale, Barney Brasseaux, John Dreylinger, Ralph Maughan, John McSweeney, Gary Wright, Robert Van Eimeren.

3. Vetting material (will allow Chairman Clinger to review two responsive vetting documents on an in camera basis)
4. Pre-May 1995⁶ legal memoranda (e.g., analyses of special government employee issues as they relate to Harry Thomason and others) (will allow Chairman Clinger to review on in camera basis)
5. Material otherwise subject to the Privacy Act, such as background checks and personnel files.⁷

V. Status of Individual Requests

We have provided nearly 28,000 pages of material (including over 17,000 pages since January 22) to the Committee. The status of our document production efforts with respect to each individual request is as follows:

1. We have reviewed and collected responsive material from the Office of Records Management, the Counsel's Office, and current employees identified in the request. Except for post-May 1995 Counsel's Office work product and material related to the Independent Counsel's ongoing criminal investigation, we have provided the bulk of this material.

Outstanding Tasks. Must verify that all current employees identified in request have provided responsive material.

Status. Should be virtually complete after we have reviewed additional phone messages and calendars pulled by ORM.

2. We have provided or made available all material relating to the 1994 GAO Travel Office review. There are a few Counsel's Office memoranda which

⁶ Material prepared post-May 1995 would be in connection with this Committee's investigation and fall within the first category of material excluded.

⁷ You should be aware that a copy of Mr. Dale's personnel file was provided to the Public Integrity Section. We pulled Mr. Dale's personnel file from our production to the Committee of documents provided to Public Integrity. This issue should be flagged in a cover letter.

have been provided from files of others, but not from Counsel's Office files.

Outstanding Tasks. Nelson Cunningham, OA General Counsel, has collected material relating to GAO's most recent audit of the Travel Office. That material must be reviewed and responsive documents produced. With respect to Counsel's Office memoranda, work product issue must be finalized.

Status. Almost complete.

3. We have provided the bulk of the material we have relating to this request. We have not provided, as yet, (1) notes taken during OPR interviews by Counsel's Office attorney, (2) notes from conversations between Counsel's Office attorneys and OPR, (3) notes from conversations with Phil Heymann about OPR requests for signed sworn statements.

Outstanding Tasks. Work product issue must be decided.

Status. Almost complete.

4. We have provided material relating to initial contract and 1994 renewal. (We do not have very much information re this procurement because it is handled by GSA). We have not as yet provided material relating to the 1995 renewal.

Outstanding Tasks. Nelson Cunningham has collected material that might be responsive. Must review.

Status Almost complete.

5. We have provided work papers, correspondence, contracts, talking points, etc., relating to Tichenor and Peat Marwick reviews of the Travel Office. We have not provided work product prepared in anticipation of this Committee's congressional hearings.

Outstanding Tasks. Verify that Nelson Cunningham has no additional documents. Arrange for Committee staff to review financial records analyzed by Tichenor (Barbara Comstock had agreed to come over and review such material so that we would not have to go to the trouble of copying nearly 5 boxes of financial records).

Status Almost complete.

6. We had provided, pursuant to the September 18 request, certain material responsive to this request (e.g, communications with IRS re interest in interviewing Catherine Cornelius, correspondence with IRS re excise tax audit, records of our document collection efforts in connection with IRS excise tax audit).

Based on a November 1995 meeting with Committee staff, we have not provided any additional material re the IRS excise tax issue. Barbara Comstock and Barbara Brasher stated during that meeting that they were not interested in such material except to the extent it relates to UltrAir. With the exception of one legal memorandum which mentions UltrAir in the first paragraph, none of the IRS excise tax material in any way relates to UltrAir. If the Committee now insists on receiving that information, we must be careful not to provide any information about tax liabilities of the press organizations; there is a statutory bar against disclosing such information.

Note also that we have interpreted clause seeking contacts with Peggy Richardson as relating to material identified in previous clauses.

Outstanding Tasks. Remind Committee of their lack of interest in this material in final transmittal letter.

Status. Complete

7. We have no records responsive to this request, except for the publicly available report, which I retrieved from the library this past summer.

Outstanding Tasks. Provide copy of report or first page with a label indicating a clean copy of document is contained in the file.

Status. Complete

8. We have provided responsive material re PIC funds from the files of Vincent Foster, David Watkins, Rahm Emmanuel and Steve Neuwirth. There are legal memoranda re in-kind donations of equipment which should be reviewed on an in camera basis.

Outstanding Tasks. Make arrangements for in camera review of in-kind donation memoranda. Review newly collected material for additional responsive documents.

Status. Virtually complete.

9. We have provided a substantial amount of material responsive to this request. As with the other requests, we have not provided material relating to IC investigation or prepared in anticipation of congressional hearings.

Outstanding Tasks. Review Foster document handling production to determine whether there are additional documents. Re-review certain boxes to verify that there are no additional responsive documents.

Status. Should be completed soon.

10. We have provided the material specified in the request, with the exception of FBI background check information. There are no other personnel files on record for these individuals, most of whom were at the White House for no more than a week.

We generally have not provided records of contacts of a purely personal nature, such as birthday greetings or speaking invitations.⁸ Such items, however, were contained in the Public Integrity production, which we provided to the Committee in full.

Outstanding Tasks. None

Status. Complete

11. We have provided alot of material responsive to this request, including notes of David Watkins, Foster Travel Office file, Bill Kennedy notes, internal management review work product and the published reports. The term "problems" might capture a host of operational documents from the

⁸ Steve Davison is the lifelong friend of Greg Simon, who works in the Vice-President's Office (Domestic Policy). Mr. Simon provided us with copies of phone messages from Mr. Davison which we have not provided.

Travel Office, such as billing records or vendor/client correspondence.

Outstanding Tasks. Must resolve this interpretive issue with Nelson Cunningham, and collect any documents deemed responsive.

Status. Virtually complete.

12. No responsive records provided.

Outstanding Tasks. None

Status. Complete

13. No responsive records provided.

Outstanding Tasks. None

Status. Complete

- 14-15. These broad requests capture a host of material that clearly does not pertain to any of the items identified in the subpoena. We therefore have provided responsive phone messages or calendar entries only if they are (1) ambiguous on their face or (2) relate to subjects identified in the subpoena. We have not provided entries that, on their face, do not relate to any of the matters identified in the subpoena.

We have not searched pager records. Retrieving such records for a three month period would be extremely time-consuming and would disrupt the e-mail retrieval process currently underway. *This issue must be mentioned in our final transmittal letter.*

PHONE RECORD REQUEST

Provided

Bill Kennedy

Vince Foster

Mack McLarty (few additional messages must be provided)

John Podesta

Dwight Holton (among Chief of Staff records)

Andre Oliver (among Chief of Staff records)

Bruce Lindsey

Beth Nolan

Catherine Cornelius

Patsy Thomasson

Mark Gearan (among Chief of Staff records)
Maggie Williams (may be a few additional records)

To be Provided Shortly

Cliff Sloan
Bernard Nussbaum

None Available

Leon Panetta
Todd Stern

Still Waiting a Response

George Stephanopoulos

Checking whether records exist (None in ORM)

Clarissa Cerda (left message at job)
Ricki Seidman (can not track down)
Jeff Eller (left message with Arbrey Harwell)
Dee Dee Myers (left message with Steve Byers)
Brian Foucart (left message with Randy Turk)
Matt Moore (asked Bill Hassler to check)

CALENDAR REQUEST

Provided

Mack McLarty
Bruce Lindsey
Jack Kelly
Matt Moore
Catherine Cornelius
Jennifer O'Connor
Patsy Thomasson (must check dates)
Leon Panetta (may be a few additional)
Maggie Williams

Checking whether records exist (None in ORM)

Bill Kennedy
Vince Foster (ask Miriam; have provided TO file, a
calendar for May included in file)
Dwight Holton (must call attorney -- ask Kim for#)
Andre Oliver (left message)
Brian Foucart (left message with Randy Turk)
Beth Nolan (left message with Randy Turk)
Cliff Sloan (left message with Steve Byers)
Dee Dee Myers (left message with Steve Byers)
Clarissa Cerda (left message at job)
Jeff Eller (left message with Arbrey Harwell)
Mark Gearan (must call attorney -- ask Kim for#)

16. We have not provided material relating to the
"Travel Office matter" prepared by Travel Office
team, i.e., Abner Mikva, Jane Sherburne, Jon

Yarowsky, Natalie Williams, Miriam Nemetz. All other responsive material will be provided.

PHONE RECORDS, CALENDARS, ETC.

No responsive records exist

Abner Mikva (Dale prosecution only)
Jane Sherburne (Dale prosecution only; must confirm)
Capricia Marshall (must confirm)
Miriam Nemetz (Dale prosecution only; must confirm)
John Podesta (no phone messages; probably no calendars)
Catherine Cornelius
Mark Gearan (must confirm)
Bruce Lindsey
David Watkins (had departed)
Janet Greene (had departed)
Bill Kennedy (had departed)
Jeff Eller (had departed)
Neil Eggleston (had departed)
Cliff Sloan (had departed)
Beth Nolan
Roy Neel (had departed)
John Gaughan (had departed)
Billy Ray Dale (had departed)
Barney Brasseaux (had departed)
John Dreylinger (had departed)
Ralph Maughan (had departed)
John McSweeney (had departed)
Robert van Eimeren (had departed)
Gary Wright (had departed)

Provide Shortly

Natalie Williams (Dale prosecution only; only have names of Stuart Goldberg or Pam Bombardi on pieces of paper; have provided a file memo re call with Goldberg)

Check whether exist

Jon Yarowsky (Dale prosecution only)
Patsy Thomasson (may be a calendar entry or phone message in late September or early October)
Military Office (probably nothing)

17. We have provided material responsive to this request from Cliff Sloan's files. Military Office has a copy of a receipt acknowledging FBI took Travel Office computer records from Military Office safe -- has not yet been provided.

Outstanding Tasks. Call Colonel Larry Spencer in Military Office (6-2150) to check on status of production. He may have sent documents to Cheryl Mills inadvertently.

Status. Almost complete.

18. We have searched for responsive material among the numerous phone records and calendars we reviewed, and have instructed current employees to search their files for responsive records. Insuring full compliance would require a page by page search of the over 2900 boxes of records stored in ORM by former employees. We do not have the resources to conduct such a search, and this request must be narrowed dramatically. We are open to a request to search specific types of records (phone logs, calendars) for a few specified individuals.

Outstanding Tasks. Provide responsive documents from files of Judge Mikva and Joel Klein. Finish review of phone records and calendars in ORM. Attempt to narrow request with Committee staff.

Status. Almost complete (within the limits of the possible).

19. We will allow Chairman Clinger to review those documents on an in camera basis.

Outstanding Tasks. Gather documents.

Status. Will complete tomorrow.

20. We have not provided Counsel's Office analyses of these issues prepared after May 1995. All other responsive material has been provided.

Outstanding Tasks. None

Status. Complete

21. We have not provided background check information or a vetting document referring to sexual harassment issue. Cheryl Mills is preparing a response to the Committee re issues raised in this request.

Outstanding Tasks. Ask Cheryl what documents, if any, she has collected. *Must mention in transmittal letter that we are not providing material otherwise subject to Privacy Act in final*

transmittal letter. Also make arrangements for Chairman Clinger to review vetting document.

Status. Nearly complete.

22. We are providing information pertaining to this request up to January 3, 1996 -- the date the memoranda was provided to the Committee. We have provided a statement to the Committee re the chain of custody of the Watkins' memo; in addition, several members of the Counsel's Office submitted sworn statements describing their role, if any, in the discovery of the memorandum or its chain of custody. We have not received notes or any other records of meetings or conversations re Watkins' memorandum prior to January 3, 1996.

Outstanding Tasks. Must check with Jane and Mark Fabiani whether they have fax transmittal sheets that accompanied memorandum faxed to private counsel. Must mention in transmittal letter that we have not provided post-January 3 material (this would fall into congressional hearing prep we have not provided).

Status. Almost complete.

23. We have provided indexes prepared during the Foster office review in July 1993.

Outstanding Tasks. Must review Foster documents in the NEOB and copy indices in boxes. Must ask Miriam if there are any indices (not prepared by our team) of Mr. Foster's documents, other than the Spafford, Sloan and Neuwirth indices. (Neuwirth's index has not yet been provided; among the newly received material).

Status. Half complete.

24. We have provided Mr. Watkins resignation file as well as his termination SF-50 and financial disclosure files.

With respect to the helicopter issue, Cheryl Mills already has provided responsive material to the Committee in connection with its "helicopter" investigation. I have given Cheryl responsive material I have come across in the course of this review; Colonel Spencer also should have given additional responsive records to Cheryl.

Outstanding Tasks. Need to check with Cheryl to see if this additional material is duplicative of what she already provided, and if not, whether there are any constraints on providing material. (Flight manifests, for example, are not provided generally). *Must mention in final transmittal letter that Committee already has responsive helicopter material.*

Status. Probably complete.

- 25-28. Retrieval of the nearly 10 months of e-mail requested will take roughly 10 months to complete. Because the Senate's and the Independent Counsel's outstanding requests must be completed first, retrieval of e-mail responsive to these requests will not begin until late spring at the earliest. (I have asked Nelson Cunningham for an estimate of the time and expense required to complete the e-mail requests. Above figure is his rough estimate.)

There is some overlap between Senate and Independent Counsel e-mail requests, and as overlapping responsive material is retrieved, we will provide it to the Committee.

Outstanding Tasks. Must check with Miriam periodically to determine whether any responsive e-mail records have been retrieved.

Status. Ongoing.

29. We have provided much of this material, including the only responsive talking points. Some additional material remains.

Outstanding Tasks. Need to review my files, retrieve responsive material from Jon Yarowsky (trial transcripts), Jane Sherburne (talk with Kim Holliday about checking Jane's computer files), Ches Johnson (docket material). Also need to provide notes of intern who attended trial.

30. We have provided much of this information including certifications received and ORM search efforts; there is some additional material ready for copying. We have not provided material relating to the ongoing Independent Counsel investigations.

Outstanding Tasks. Provide additional material located in Room 400. Remember to mention in cover letter that IC material has not been provided.

VI. Remaining Checks/Tasks

- A. Finish phone message/calendar review
- B. Review additional documents collected (including Mark Gearan Travel Office documents)
- C. Review additional OA material collected by Nelson Cunningham
- D. Complete review of Eggleston material and Nussbaum and Klein phone log printouts
- E. Review Foster documents maintained in the NEOB
- F. Re-review Travel Office documents in Room 400 to determine whether any additional responsive documents under expanded requests
- G. Re-review of some boxes in Room 563 (particularly Cliff Sloan boxes) to determine whether any additional responsive documents under expanded requests
- H. Review WW and Foster document handling productions
- I. Follow-up with Miriam
- J. Follow-up with Cheryl
- K. Collect responsive material from me, Jon, Jane & Miriam⁹
- L. Do checks and verifications outlined in status summary
- M. Get Executive Order documents for in camera review
- N. Reorganize Public Integrity privilege log documents

⁹ If we end up providing some congressional prep, Ira Fischman, Ab Mikva, Jack Quinn, James Castello and Chris Cerf have some material that should be reviewed. We must collect material of Quinn, Castello and Fischman.

- O. Verify that individuals who received new subpoenas (23) have provided any responsive White House records to the Counsel's Office.
- O Contact office heads to confirm that thorough search has been conducted
- P. Send out courtesy sets to individuals or their lawyers

VII. Final Transmittal Letter Items

- A. Congressional hearing prep excluded
- B. IC material excluded
- C. Privacy Act material excluded
- D. Pager, hard drive, and Kennedy/Watkins searches infeasible
- E. Plainly irrelevant phone messages/calendar entries excluded
- F. No Watkins memoranda material post-Jan. 3
- G. Helicopter material already provided
- H. Pre-May 1995 legal memoranda, vetting material, Travel Office financial records, Executive Order documents in Travel Office file, staff meeting notes,¹⁰ and Presidential staging memoranda¹¹ reviewed in camera
- I. Identify phone logs/calendars records that do not exist
- J. Explain redactions.

** Have redacted non-responsive material

¹⁰ Bill Kennedy has a few notes from Counsel's Office meetings that refer to the Travel Office matter. These should be reviewed on in camera basis

¹¹ Harry Thomason's lawyers forwarded a document re staging of presidential events to us for production. Thomason had been provided this document during his White House Project work. The memoranda discusses the first hundred days and should be reviewed in camera. Barbara Comstock, in late December 1995, agreed to such a review during a conversation with me and Jon Yarowsky.

- ** Have redacted President's handwriting on certain pages (Ches has Bates Numbers) (will allow Chairman to review handwriting and provide transcription in accordance with prior practice)
 - ** Have redacted plainly irrelevant phone message/calendar entries where other entries on page were provided
 - ** Had redacted some deliberative material on interview notes (4 or 5 redactions); Committee staff never inquired (Ches can find).
- K. Travel Office excise tax audit material not provided based on November 1995 agreement.

Natalie Williams

THE WHITE HOUSE
WASHINGTON

February 26, 1996

William F. Clinger, Chairman
House Committee on Government Reform
and Oversight
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Dear Mr. Chairman:

With this letter, we are providing to your Committee a comprehensive response to the document subpoena served on the White House on January 11, 1996. We also are including a detailed explanation of the production entitled "Response to January 11, 1996 Document Subpoena."

As you are aware, we have made a number of interim productions and have already provided the Committee with 28,000 pages of documents, including over 17,000 pages provided since January 22, 1996. We believe, with this production, the White House will have virtually completed its response to this subpoena. Given the breadth of the subpoena, of course, we may find additional documents. Should this occur, we will provide them to the Committee promptly.

As we discussed at our meeting on February 15, 1996, we have already provided the Committee with certain documents that we believe are fairly characterized as protected by work product and attorney-client privilege. We have done so to accommodate the legitimate needs of the Committee. As I explained, however, there are certain categories of material that, as we are sure you can appreciate, are central to the ability of the Executive Branch to carry out its Constitutional responsibilities. Production of this confidential material would irreparably undermine the independence and functioning of the Executive Office of the President and compromise the fundamental principle of Separation of Powers. Accordingly, production of this kind of material should be relatively rare, and must be done only in limited circumstances, under careful scrutiny, and after specific, demonstrated need.

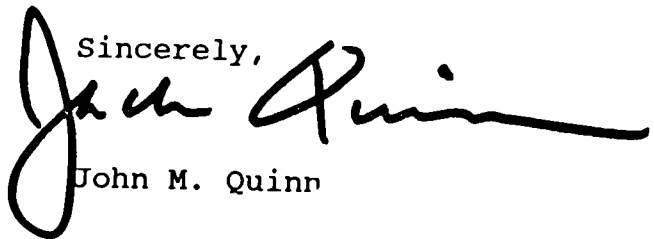
Chairman William F. Clinger
February 26, 1996
Page 2

As you know, the nature of this internal deliberative material was the subject of discussion at our February 15, 1996 meeting. At that meeting we described the materials we are prepared to have you or your staff review in camera and those that we are seeking your agreement to withhold altogether. This material is limited to (1) documents related to the ongoing criminal investigations of the Independent Counsel; (2) materials created in the course of preparation for Congressional hearings; (3) materials prepared in responding to this and other Congressional subpoenas; (4) White House Counsel vetting notes, staff meeting notes, and a subpoenaed legal analysis document unrelated to the Travel Office issues; and (5) personnel records which are of the type that are subject to the Privacy Act. We understand that you are considering our positions and the concerns which support them. This material is not included in this production.

Notwithstanding our views, as expressed at that meeting, in response to the Committee's particular interest in the documents subject to the Public Integrity Privilege Log, we are producing those documents in full, reserving for in camera review essentially seven legal memoranda, five of which already have been reviewed by your staff.

We look forward to continuing discussions with you about resolution of these outstanding issues.

Sincerely,

A handwritten signature in black ink, appearing to read "John M. Quinn". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

John M. Quinn

cc: Hon. Cardiss Collins

February 26, 1996

RESPONSE TO JANUARY 11, 1996 DOCUMENT SUBPOENA

General Response

The Office of Administration and the Executive Office of the President have conducted a comprehensive search for documents responsive to each of the requests contained in this subpoena and are producing all responsive documents found. Many of the documents we are producing today have been produced to the Committee in the past from other files. If any further responsive documents are located subsequent to this production, they will be promptly produced to the Committee.

As discussed with the Committee Chairman, there are certain documents, which constitute the internal deliberative work product of the White House Counsel's office, which have not been produced. This material, which is limited in scope, is the subject of ongoing discussions with the Committee. All documents related to the prosecution of Billy Ray Dale and the discovery and production of the Watkins memorandum are included in this production pursuant to a December 1995 arrangement with the Committee Staff.

In response to the Committee's explicit request for documents identified on the privilege log prepared for the Department of Justice's Office of Public Integrity investigation, and in order to facilitate this Committee's efforts, such documents are included in this production. Twenty-three legal memoranda identified on the log, which when duplications and slightly different versions of the same documents are eliminated, amount to only seven separate documents, will be produced to the Committee for in camera review. The remaining documents are produced with the other documents in the production. (Bates Nos. CGE 37295-37707).¹

¹ The privilege log has been produced as CGE20159-20201, 22772-22814. Please note the following corrections to the log:

Document No. 6 is 15 rather than 16 pages.
Document No. 11 is dated 5/2/94 rather than 4/30/94.
Document No. 53, we believe, is either the same as Document No. 49 or 55.
Document No. 66 is 8 pages rather than 2.
Document No. 88 is a letter to Mr. Sloan rather than to Mr. Eggleston.
Document No. 96 is dated 8/18/93 rather than 8/19/93.
Document No. 107 is 6 pages rather than 3 pages.
Document No. 121 is 14 pages rather than 15 pages.
Document No. 124 is 5 pages rather than 4 pages.

27. All e-mail to or from the following individuals from September 1, 1993 through December 20, 1993, concerning the White House Travel Office matter as defined in paragraph (2), the White House Project, or the Presidential Inaugural Commission: Mack McLarty, David Watkins, Patsy Thomasson, Cliff Sloan, Neil Eggleston, Bruce Lindsey, John Podesta, Todd Stern, Ricki Seidman, Maggie Williams, Mark Gearan, and George Stephanopoulos.

RESPONSE: See response to Request No. 25.

28. All e-mail to or from the following individuals from May 1, 1994 through September 8, 1994, concerning the White House Travel Office matter as defined in paragraph (2), the White House project, or the Presidential Inaugural Commission: Neil Eggleston, Lloyd Cutler, Joel Klein, John Podesta, Jane Sherburne, Sheila Cheston, Maggie Williams and Todd Stern.

RESPONSE: As set forth above, the e-mail system utilized in the Office of Administration and the Executive Office of the President is such that records cannot be retrieved without extraordinary, time-consuming, and extremely expensive efforts. Retrieval of the nearly ten months of e-mail sought in this request would require months to complete. Accordingly, no e-mail records are being produced at this time in response to this request. We are prepared, however, to work with the Committee in responding to a significantly more limited request should the Committee seek to do so.

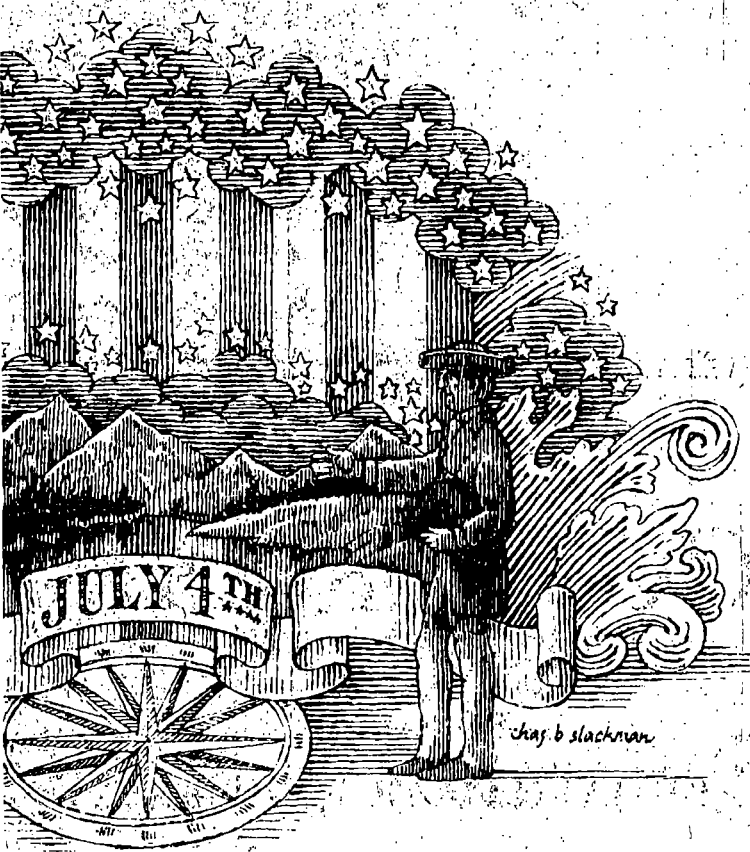
29. All records relating to the matter of United States of America v. Billy Ray Dale, any investigation by the Justice Department into the White House Travel Office matter as defined in paragraph (2), and all records relating to Billy Ray Dale as well as any records of talking points prepared about Mr. Dale to the present.

RESPONSE: Responsive documents have been provided. Billy Ray Dale's personnel file, which is material of the type that is subject to the Privacy Act, is not included.

Notes of Date for Sofie

7/96

- Feb 14 Came to work. Advised there was a Billy Dale
29 Pers. file to be produced if we produced pers. files / Feb 26
May 6 - Committee ltr says produce on claim. pur. stated in
con letter
- May 7 - Paul Colborn reviews docs briefly
- May 8 - Protective Priv. Claim
- May 10 - Paul C & Richard L. review docs
- May 14 - DOJ mtg w JRL Office
- May 17 JCS reviews docs
- ~~May 21~~ May 21 - Called C. L. Office re file
Brought to my office - Roy (Returned May 23)
- Directed that it be copied for production - placed in box
for production. Put orig in safe until returned [When docs recd
show returned]
- May 23 - 30 - Box w/ file & given to others
for review
- May 30 Produced
File removed when press came to review



Lewis and Clark
celebrate the 4th.

July 4, 1806, brought no celebration. The expedition was at Traveler's in western Montana, on its way to Lewis and Clark. They were splitting party into four parts, each with its mission. They wanted to explore nap territory missed on the out-1 journey. Everyone wanted to along. They parted at noon. They came together again six s later at the junction of the wstone and Missouri; in Sep-er, they returned to St. Louis; the Dakotas, Montana, Idaho arts of Washington and Oregon, ountry today is essentially un-eged. You can camp where Lewis Clark camped, see what they save only the buffalo herds. favorite campground is Lemhi on the Continental Divide, to

House

there." She replied that Ma-Marcia had told her that "all the people in the White believed in centrality."

day's Idaho-Montana border. It is a pristine site, known only to loggers, hunters and a few Lewis and Clark enthusiasts. I've camped there on Independence Day with my wife, Moira, and our extended family for 20 years — the first time on our Republic's 200th birthday.

Some 25 of my students from the University of New Orleans were with us that first year. It was at Lemhi that Lewis became the first citizen of the United States to step into the Pacific Northwest and establish a claim to that vast empire. At Lemhi, he wrote, that he had found a spring of "pure and ice cold water, the most distant fountain of the waters of the mighty Missouri in search of which we have spent so many toilsome days and wristless nights."

Two miles below, "Private McNeal had exultingly stood with a foot on each side of this little rivulet and thanked his god that he had lived to betride the mighty & heretofore deemed endless Missouri." In 1976, we all bestrode the rivulet.

That night was glorious — clear, cool, with no light save the fire. We sang patriotic songs. We boomed out the last lines of "America the Beautiful." And crowned thy good with brotherhood, from sea to shining sea."

We were celebrating the creation of an empire of liberty that stretches across the continent, undreamed of before. Jefferson, unequaled anywhere, allowed ourselves to imagine that Lewis and Clark, the ones who linked the two coasts, looked down with approval.

Essay

WILLIAM SAFIRE

'Their Just Powers'

In the days of Nixon's Donald Segretti, the disruption of opposition rallies was called "the black advance."

In 1992, Bill Clinton's Segretti was Craig Livingstone, who boasted of his

... Are powers
not to be abused.

political harassment of Bush appearances with a character dressed up as "Chicken George" and grandly styled himself as "Senior Consultant for Counter-events." In 1996, Livingstone's successor is active in the "counter-event," dodge, bedeviling the Dole campaign with a tobacco "Butt Man."

Just as Watergate was first dismissed as a "caper," the growing protest at the invasion of privacy of nearly 1,000 Americans by the cesspool of snooper, sudden death and obstruction known as the Clinton Office of White House Counsel is being characterized as a mere "flap."

I am not interested in book promotions that express horror at rumored peccadillos or talking to spirits. What should be of concern to serious people, including a lethargic A.C.L.U., is the pattern of offenses that cannot be explained as stupendous stupidity.

On May 14, Jack Quinn, Mr. Clinton's fourth White House Counsel, summoned Richard Shifrin and Paul Coburn of the Department of Justice's Office of Legal Counsel. Quinn was throwing the mantle of "executive privilege" over 3,000 documents being sought by a Congressional committee investigating the abuse of the F.B.I. and Justice in besmearing and prosecuting a travel office employee guilty of occupying a "slot" desired by the President's cousin.

When the Justice lawyers explained what claim of privilege the Department would not defend in court, Counsel Quinn directed aides to separate out a third of his long-guarded cache, reluctantly sending 1,000 to Rep. William Clinger, the congressional Javert.

Among the documents were the personnel and more important, the P.R. confidential files of Billy Dale, the fired employee, along with the damning requisition for that file under the authority of White House

Counsel Bernard Nussbaum.

The dam then broke. That one proper request about "access" for a man fired seven months before, led to Clinger questions about others and to the revelations about 1,000 more — "unquestionably unjustified" — admitted the complaisant F.B.I. Director, Nussbaum's choice.

A simple "snafu," as Mr. Clinton claimed? Jack Quinn acted as Horatius at the White House bridge until Congress threatened him with jail for contempt and the Department of Justice said he would have no defense on this category of document. Only then did the story break of what reasonable people can suspect is at least malfeasance in the Counsel's office. (A second Clinton gumshoe is not taking the Fifth for nothing.)

Why did it take the threat of incarceration to force out the truth? The latest White House story is that a just-hired associate counsel, Wendy White, removed the F.B.I. file before showing the stack of 1,000 to another Quinn associate, Jane Sherbourne, for review. Telling nobody in the White House, the new lawyer put the bombshell documents back in the stack to be sent to Clinger's committee. "If I thought it was a bombshell," Ms. White tells me, "I would have brought it to somebody's attention."

The reason credulity is stretched. From the start, the Clinton White House has been abusing the police power for political purpose.

First the F.B.I. is used to besmear the travel office employees. Then Clinton appoints a supporter U.S. Attorney in Arkansas to drop White water, and Treasury officials abuse their office with a "heads up" on a criminal referral. Then Nussbaum blocks police from the dead Vincent Foster's files. Then hatchetman Livingstone obtains, wrongfully, the intimate F.B.I. files of Dale and all the others. Then Justice unjustly indicts Billy Dale, whom a jury quickly acquits. Then lawful subpoenas are resisted for years until a new hire innocently sends over the file that ignites a firestorm.

All the while, people working in the White House who are suspected of stepping out of line are subjected to blatant intimidation. F.B.I. or I.R.S. checks "out of turn," clearly intended to putting the fear of Hillary into them. We'll hear more about that.

This is America, which rebelled at the abuse of power. Happy Independence Day.

DRAFT -- FEBRUARY 15, 1996

MEMORANDUM TO THE FILES

Re: Status of Document Review/Production

This memorandum summarizes the status of White House document production pursuant to the January 11, 1996 subpoenas issued by the House Committee on Government Reform & Oversight in its Travel Office inquiry.

I. Background

On January 11, 1996, the Committee issued subpoenas to the White House and six current employees.¹ The subpoenas issued to the White House, in large part, tracked a September 18, 1995 document request of the Committee. A substantial amount of the material sought in the subpoenas, therefore, either already had been provided or collected. The subpoenas did, however, contain several new items² and sought records created over a longer period of time.³ We, therefore, sent out new EOP-wide requests for responsive material.⁴

¹ Six of the eight subpoenas were issued to current White House employees (Bruce Lindsey, Margaret Williams, Todd Stern, Patsy Thomasson, Mack McLarty and Catherine Cornelius). Those subpoenas differ somewhat, but in most respects are identical. The remaining two subpoenas -- issued to the custodians of the Office of Administration and the Executive Office of the President -- are identical.

² Reqs. 6, 11, 16-18, 21-22, 26-30.

³ Our prior negotiations with the Committee had resulted in a May 1995 cut-off date for the September 18 request, i.e., only those documents created as of May 31, 1995 would be deemed responsive.

⁴ Recently, the Committee issued 23 new subpoenas to current (6) and former (17) White House employees. Those subpoenas largely duplicate the White House subpoenas. We are circulating a memoranda directing those individuals to forward all responsive White House (as opposed to personal) records to the Counsel's Office for production. Any responsive personal records should be produced directly to the Committee by the

II. Interpretation Issues

The Committee's subpoenas are exceptionally broad and replete with undefined or ambiguous terms. Despite these defects, we have attempted to interpret the requests literally, erring on the side of over-inclusion. To assist White House staff in identifying responsive material, we have incorporated the following clarifying instructions into the requests circulated to the EOP:

1. *"White House Project" (Reqs. 1).* We have employed the definition found in certain individual subpoenas, describing this effort as involving "both improving the 'staging' of Presidential events as well as finding a way to utilize excess Presidential Inaugural Commission funds for outsourcing White House assistance or providing assistance to the White House."
2. *Peat Marwick employees or officials (Reqs. 5, 16).* We have identified the Peat Marwick employees whom we know participated in the Travel Office review or represented Peat Marwick employees in Travel Office related inquiries (Larry Herman, Leslie Casson, Carolyn Rawdon, Dan Russell, Nicholas Di Carla, Charles Siu and John Shutkin).
3. *Dates Bill Kennedy and David Watkins left the White House (Req. 18).* We used the effective dates of resignation identified on these individuals' termination SF-50 forms.
- d. *"[E]mployees of the Military Office" (Reqs. 16).* We compiled a list of all employees of the Military Office from January 20, 1993 to the present.
- e. *"[E]mployees of the White House Counsel's Office" (Reqs. 1, 5).* We compiled a list of all employees of the White House Counsel's Office from January 20, 1993 to the present.

In addition, we have interpreted the phrases "employees of the White House Travel Office" or "White House Travel Office employees" (used in the "Definitions and Instructions" of the

individual. We followed this same procedure with respect to responsive White House records of the six current employees who received subpoenas on January 11, 1996.

subpoenas) as referring to the seven Travel Office employees dismissed on May 19, 1993.⁵

III. Document Collection and Review Efforts

To respond to the Committee's subpoenas, we have done the following:

1. circulated requests for responsive material to all EOP employees and the Office of Records Management
2. circulated specific requests to individuals identified in items 1 and 14-16
3. reviewed material collected in response to those requests
4. reviewed computer print-outs prepared by ORM of potentially responsive documents, reviewed those that appeared responsive, and provided responsive material
5. reviewed phone message logs and calendars for numerous individuals
6. reviewed prior Travel Office related document collections (maintained in Counsel's Office) and provided responsive material

Pam Brewington and Cathy Moscatelli have prepared a list of the boxes of material that have been reviewed.

IV. Categories of Material Not Provided

1. With the exception of material relating to the Dale prosecution or the discovery of the Watkins memorandum, we have not provided material prepared in connection with this Committee's investigation or any other congressional investigation, such as the Senate and House Whitewater investigations (includes talking points, fact analyses, chronologies, meeting notes, etc.)
2. Material relating to the ongoing criminal investigations by the Independent Counsel (includes correspondence, subpoenas, document requests as well as attorney work product)

⁵ Billy Dale, Barney Brasseaux, John Dreylinger, Ralph Maughan, John McSweeney, Gary Wright, Robert Van Eimeren.

3. Vetting material (will allow Chairman Clinger to review two responsive vetting documents on an in camera basis)
4. Pre-May 1995⁶ legal memoranda (e.g., analyses of special government employee issues as they relate to Harry Thomason and others) (will allow Chairman Clinger to review on in camera basis)
5. Material otherwise subject to the Privacy Act, such as background checks and personnel files.⁷

V. Status of Individual Requests

We have provided nearly 28,000 pages of material (including over 17,000 pages since January 22) to the Committee. The status of our document production efforts with respect to each individual request is as follows:

1. We have reviewed and collected responsive material from the Office of Records Management, the Counsel's Office, and current employees identified in the request. Except for post-May 1995 Counsel's Office work product and material related to the Independent Counsel's ongoing criminal investigation, we have provided the bulk of this material.

Outstanding Tasks. Must verify that all current employees identified in request have provided responsive material.

Status. Should be virtually complete after we have reviewed additional phone messages and calendars pulled by ORM.

2. We have provided or made available all material relating to the 1994 GAO Travel Office review. There are a few Counsel's Office memoranda which

⁶ Material prepared post-May 1995 would be in connection with this Committee's investigation and fall within the first category of material excluded.

⁷ You should be aware that a copy of Mr. Dale's personnel file was provided to the Public Integrity Section. We pulled Mr. Dale's personnel file from our production to the Committee of documents provided to Public Integrity. This issue should be flagged in a cover letter.

have been provided from files of others, but not from Counsel's Office files.

Outstanding Tasks. Nelson Cunningham, OA General Counsel, has collected material relating to GAO's most recent audit of the Travel Office. That material must be reviewed and responsive documents produced. With respect to Counsel's Office memoranda, work product issue must be finalized.

Status. Almost complete.

3. We have provided the bulk of the material we have relating to this request. We have not provided, as yet, (1) notes taken during OPR interviews by Counsel's Office attorney, (2) notes from conversations between Counsel's Office attorneys and OPR, (3) notes from conversations with Phil Heymann about OPR requests for signed sworn statements.

Outstanding Tasks. Work product issue must be decided.

Status. Almost complete.

4. We have provided material relating to initial contract and 1994 renewal. (We do not have very much information re this procurement because it is handled by GSA). We have not as yet provided material relating to the 1995 renewal.

Outstanding Tasks. Nelson Cunningham has collected material that might be responsive. Must review.

Status Almost complete.

5. We have provided work papers, correspondence, contracts, talking points, etc., relating to Tichenor and Peat Marwick reviews of the Travel Office. We have not provided work product prepared in anticipation of this Committee's congressional hearings.

Outstanding Tasks. Verify that Nelson Cunningham has no additional documents. Arrange for Committee staff to review financial records analyzed by Tichenor (Barbara Comstock had agreed to come over and review such material so that we would not have to go to the trouble of copying nearly 5 boxes of financial records).

Status Almost complete.

6. We had provided, pursuant to the September 18 request, certain material responsive to this request (e.g, communications with IRS re interest in interviewing Catherine Cornelius, correspondence with IRS re excise tax audit, records of our document collection efforts in connection with IRS excise tax audit).

Based on a November 1995 meeting with Committee staff, we have not provided any additional material re the IRS excise tax issue. Barbara Comstock and Barbara Brasher stated during that meeting that they were not interested in such material except to the extent it relates to UltraAir. With the exception of one legal memorandum which mentions UltraAir in the first paragraph, none of the IRS excise tax material in any way relates to UltraAir. If the Committee now insists on receiving that information, we must be careful not to provide any information about tax liabilities of the press organizations; there is a statutory bar against disclosing such information.

Note also that we have interpreted clause seeking contacts with Peggy Richardson as relating to material identified in previous clauses.

Outstanding Tasks. Remind Committee of their lack of interest in this material in final transmittal letter.

Status. Complete

7. We have no records responsive to this request, except for the publicly available report, which I retrieved from the library this past summer.

Outstanding Tasks. Provide copy of report or first page with a label indicating a clean copy of document is contained in the file.

Status. Complete

8. We have provided responsive material re PIC funds from the files of Vincent Foster, David Watkins, Rahm Emmanuel and Steve Neuwirth. There are legal memoranda re in-kind donations of equipment which should be reviewed on an in camera basis.

Outstanding Tasks. Make arrangements for in camera review of in-kind donation memoranda. Review newly collected material for additional responsive documents.

Status. Virtually complete.

9. We have provided a substantial amount of material responsive to this request. As with the other requests, we have not provided material relating to IC investigation or prepared in anticipation of congressional hearings.

Outstanding Tasks. Review Foster document handling production to determine whether there are additional documents. Re-review certain boxes to verify that there are no additional responsive documents.

Status. Should be completed soon.

10. We have provided the material specified in the request, with the exception of FBI background check information. There are no other personnel files on record for these individuals, most of whom were at the White House for no more than a week.

We generally have not provided records of contacts of a purely personal nature, such as birthday greetings or speaking invitations.⁸ Such items, however, were contained in the Public Integrity production, which we provided to the Committee in full.

Outstanding Tasks. None

Status. Complete

11. We have provided alot of material responsive to this request, including notes of David Watkins, Foster Travel Office file, Bill Kennedy notes, internal management review work product and the published reports. The term "problems" might capture a host of operational documents from the

⁸ Steve Davison is the lifelong friend of Greg Simon, who works in the Vice-President's Office (Domestic Policy). Mr. Simon provided us with copies of phone messages from Mr. Davison which we have not provided.

Travel Office, such as billing records or vendor/client correspondence.

Outstanding Tasks. Must resolve this interpretive issue with Nelson Cunningham, and collect any documents deemed responsive.

Status. Virtually complete.

12. No responsive records provided.

Outstanding Tasks. None

Status. Complete

13. No responsive records provided.

Outstanding Tasks. None

Status. Complete

- 14-15. These broad requests capture a host of material that clearly does not pertain to any of the items identified in the subpoena. We therefore have provided responsive phone messages or calendar entries only if they are (1) ambiguous on their face or (2) relate to subjects identified in the subpoena. We have not provided entries that, on their face, do not relate to any of the matters identified in the subpoena.

We have not searched pager records. Retrieving such records for a three month period would be extremely time-consuming and would disrupt the e-mail retrieval process currently underway. *This issue must be mentioned in our final transmittal letter.*

PHONE RECORD REQUEST

Provided

Bill Kennedy

Vince Foster

Mack McLarty (few additional messages must be provided)

John Podesta

Dwight Holton (among Chief of Staff records)

Andre Oliver (among Chief of Staff records)

Bruce Lindsey

Beth Nolan

Catherine Cornelius

Patsy Thomasson

Mark Gearan (among Chief of Staff records)
Maggie Williams (may be a few additional records)

To be Provided Shortly

Cliff Sloan
Bernard Nussbaum

None Available

Leon Panetta
Todd Stern

Still Waiting a Response

George Stephanopoulos

Checking whether records exist (None in ORM)

Clarissa Cerda (left message at job)
Ricki Seidman (can not track down)
Jeff Eller (left message with Arbrey Harwell)
Dee Dee Myers (left message with Steve Byers)
Brian Foucart (left message with Randy Turk)
Matt Moore (asked Bill Hassler to check)

CALENDAR REQUEST

Provided

Mack McLarty
Bruce Lindsey
Jack Kelly
Matt Moore
Catherine Cornelius
Jennifer O'Connor
Patsy Thomasson (must check dates)
Leon Panetta (may be a few additional)
Maggie Williams

Checking whether records exist (None in ORM)

Bill Kennedy
Vince Foster (ask Miriam; have provided TO file, a
calendar for May included in file)
Dwight Holton (must call attorney -- ask Kim for#)
Andre Oliver (left message)
Brian Foucart (left message with Randy Turk)
Beth Nolan (left message with Randy Turk)
Cliff Sloan (left message with Steve Byers)
Dee Dee Myers (left message with Steve Byers)
Clarissa Cerda (left message at job)
Jeff Eller (left message with Arbrey Harwell)
Mark Gearan (must call attorney -- ask Kim for#)

16. We have not provided material relating to the
"Travel Office matter" prepared by Travel Office
team, i.e., Abner Mikva, Jane Sherburne, Jon

Yarowsky, Natalie Williams, Miriam Nemetz. All other responsive material will be provided.

PHONE RECORDS, CALENDARS, ETC.

No responsive records exist

Abner Mikva (Dale prosecution only)
Jane Sherburne (Dale prosecution only; must confirm)
Capricia Marshall (must confirm)
Miriam Nemetz (Dale prosecution only; must confirm)
John Podesta (no phone messages; probably no calendars)
Catherine Cornelius
Mark Gearan (must confirm)
Bruce Lindsey
David Watkins (had departed)
Janet Greene (had departed)
Bill Kennedy (had departed)
Jeff Eller (had departed)
Neil Eggleston (had departed)
Cliff Sloan (had departed)
Beth Nolan
Roy Neel (had departed)
John Gaughan (had departed)
Billy Ray Dale (had departed)
Barney Brasseaux (had departed)
John Dreylinger (had departed)
Ralph Maughan (had departed)
John McSweeney (had departed)
Robert van Eimeren (had departed)
Gary Wright (had departed)

Provide Shortly

Natalie Williams (Dale prosecution only; only have names of Stuart Goldberg or Pam Bombardi on pieces of paper; have provided a file memo re call with Goldberg)

Check whether exist

Jon Yarowsky (Dale prosecution only)
Patsy Thomasson (may be a calendar entry or phone message in late September or early October)
Military Office (probably nothing)

17. We have provided material responsive to this request from Cliff Sloan's files. Military Office has a copy of a receipt acknowledging FBI took Travel Office computer records from Military Office safe -- has not yet been provided.

Outstanding Tasks. Call Colonel Larry Spencer in Military Office (6-2150) to check on status of production. He may have sent documents to Cheryl Mills inadvertently.

Status. Almost complete.

18. We have searched for responsive material among the numerous phone records and calendars we reviewed, and have instructed current employees to search their files for responsive records. Insuring full compliance would require a page by page search of the over 2900 boxes of records stored in ORM by former employees. We do not have the resources to conduct such a search, and this request must be narrowed dramatically. We are open to a request to search specific types of records (phone logs, calendars) for a few specified individuals.

Outstanding Tasks. Provide responsive documents from files of Judge Mikva and Joel Klein. Finish review of phone records and calendars in ORM. Attempt to narrow request with Committee staff.

Status. Almost complete (within the limits of the possible).

19. We will allow Chairman Clinger to review those documents on an in camera basis.

Outstanding Tasks. Gather documents.

Status. Will complete tomorrow.

20. We have not provided Counsel's Office analyses of these issues prepared after May 1995. All other responsive material has been provided.

Outstanding Tasks. None

Status. Complete

21. We have not provided background check information or a vetting document referring to sexual harassment issue. Cheryl Mills is preparing a response to the Committee re issues raised in this request.

Outstanding Tasks. Ask Cheryl what documents, if any, she has collected. ***Must mention in transmittal letter that we are not providing material otherwise subject to Privacy Act in final***

transmittal letter. Also make arrangements for Chairman Clinger to review vetting document.

Status. Nearly complete.

22. We are providing information pertaining to this request up to January 3, 1996 -- the date the memoranda was provided to the Committee. We have provided a statement to the Committee re the chain of custody of the Watkins' memo; in addition, several members of the Counsel's Office submitted sworn statements describing their role, if any, in the discovery of the memorandum or its chain of custody. We have not received notes or any other records of meetings or conversations re Watkins' memorandum prior to January 3, 1996.

Outstanding Tasks. Must check with Jane and Mark Fabiani whether they have fax transmittal sheets that accompanied memorandum faxed to private counsel. Must mention in transmittal letter that we have not provided post-January 3 material (this would fall into congressional hearing prep we have not provided).

Status. Almost complete.

23. We have provided indexes prepared during the Foster office review in July 1993.

Outstanding Tasks. Must review Foster documents in the NEOB and **copy indices in boxes.** Must ask Miriam if there are any indices (not prepared by our team) of Mr. Foster's documents, other than the Spafford, Sloan and Neuwirth indices. (Neuwirth's index has not yet been provided; among the newly received material).

Status. Half complete.

24. We have provided Mr. Watkins resignation file as well as his termination SF-50 and financial disclosure files.

With respect to the helicopter issue, Cheryl Mills already has provided responsive material to the Committee in connection with its "helicopter" investigation. I have given Cheryl responsive material I have come across in the course of this review; Colonel Spencer also should have given additional responsive records to Cheryl.

Outstanding Tasks. Need to check with Cheryl to see if this additional material is duplicative of what she already provided, and if not, whether there are any constraints on providing material. (Flight manifests, for example, are not provided generally). *Must mention in final transmittal letter that Committee already has responsive helicopter material.*

Status. Probably complete.

- 25-28. Retrieval of the nearly 10 months of e-mail requested will take roughly 10 months to complete. Because the Senate's and the Independent Counsel's outstanding requests must be completed first, retrieval of e-mail responsive to these requests will not begin until late spring at the earliest. (I have asked Nelson Cunningham for an estimate of the time and expense required to complete the e-mail requests. Above figure is his rough estimate.)

There is some overlap between Senate and Independent Counsel e-mail requests, and as overlapping responsive material is retrieved, we will provide it to the Committee.

Outstanding Tasks. Must check with Miriam periodically to determine whether any responsive e-mail records have been retrieved.

Status. Ongoing.

29. We have provided much of this material, including the only responsive talking points. Some additional material remains.

Outstanding Tasks. Need to review my files, retrieve responsive material from Jon Yarowsky (trial transcripts), Jane Sherburne (talk with Kim Holliday about checking Jane's computer files), Ches Johnson (docket material). Also need to provide notes of intern who attended trial.

30. We have provided much of this information including certifications received and ORM search efforts; there is some additional material ready for copying. We have not provided material relating to the ongoing Independent Counsel investigations.

Outstanding Tasks. Provide additional material located in Room 400. *Remember to mention in cover letter that IC material has not been provided.*

VI. Remaining Checks/Tasks

- A. Finish phone message/calendar review
- B. Review additional documents collected (including Mark Gearan Travel Office documents)
- C. Review additional OA material collected by Nelson Cunningham
- D. Complete review of Eggleston material and Nussbaum and Klein phone log printouts
- E. Review Foster documents maintained in the NEOB
- F. Re-review Travel Office documents in Room 400 to determine whether any additional responsive documents under expanded requests
- G. Re-review of some boxes in Room 563 (particularly Cliff Sloan boxes) to determine whether any additional responsive documents under expanded requests
- H. Review WW and Foster document handling productions
- I. Follow-up with Miriam
- J. Follow-up with Cheryl
- K. Collect responsive material from me, Jon, Jane & Miriam⁹
- L. Do checks and verifications outlined in status summary
- M. Get Executive Order documents for in camera review
- N. Reorganize Public Integrity privilege log documents

⁹ If we end up providing some congressional prep, Ira Fischman, Ab Mikva, Jack Quinn, James Castello and Chris Cerf have some material that should be reviewed. We must collect material of Quinn, Castello and Fischman.

- O. Verify that individuals who received new subpoenas (23) have provided any responsive White House records to the Counsel's Office.
- O Contact office heads to confirm that thorough search has been conducted
- P. Send out courtesy sets to individuals or their lawyers

VII. Final Transmittal Letter Items

- A. Congressional hearing prep excluded
- B. IC material excluded
- C. Privacy Act material excluded
- D. Pager, hard drive, and Kennedy/Watkins searches infeasible
- E. Plainly irrelevant phone messages/calendar entries excluded
- F. No Watkins memoranda material post-Jan. 3
- G. Helicopter material already provided
- H. Pre-May 1995 legal memoranda, vetting material, Travel Office financial records, Executive Order documents in Travel Office file, staff meeting notes,¹⁰ and Presidential staging memoranda¹¹ reviewed in camera
- I. Identify phone logs/calendars records that do not exist
- J. Explain redactions.

** Have redacted non-responsive material

¹⁰ Bill Kennedy has a few notes from Counsel's Office meetings that refer to the Travel Office matter. These should be reviewed on in camera basis

¹¹ Harry Thomason's lawyers forwarded a document re staging of presidential events to us for production. Thomason had been provided this document during his White House Project work. The memoranda discusses the first hundred days and should be reviewed in camera. Barbara Comstock, in late December 1995, agreed to such a review during a conversation with me and Jon Yarowsky.

- ** Have redacted President's handwriting on certain pages (Ches has Bates Numbers) (will allow Chairman to review handwriting and provide transcription in accordance with prior practice)
 - ** Have redacted plainly irrelevant phone message/calendar entries where other entries on page were provided
 - ** Had redacted some deliberative material on interview notes (4 or 5 redactions); Committee staff never inquired (Ches can find).
- K. Travel Office excise tax audit material not provided based on November 1995 agreement.

Natalie Williams

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. form	Personally Identifiable Information [partial] (1 page)	12/20/1993	b(7)(C), b(6)

COLLECTION:

Clinton Presidential Records
Counsel Office
Wendy White
OA/Box Number: CF 802

FOLDER TITLE:

Billy Dale Security File - Wendy S. White Working Documents [Folder 2] [1]

2006-1066-F
vz3605

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

DEC 20 1993

THE WHITE HOUSE
WASHINGTON

DEC 20 1993

(Date)

TO: FBI, LIAISON
FROM: BERNARD W. NUSSBAUM
SUBJECT: FBI Investigations

Subject's Name DALE, BILLY RAY SS# (b)(6), (b)(7)c [001]
Date of Birth (b)(6), (b)(7)c Place of Birth (b)(6), (b)(7)c
Present Address

We request: XX Copy of Previous Report
 Name Check
 Expanded Name Check
 Full Field Investigation: Level I Level II Le
 Limited Update
 Other

The person named above is being considered for:

 White House Staff Position
 Presidential Appointment
 YY ACCESS (S)

Attachments:

 SF 86
 SF 87, Fingerprint Card
 SF 86, Supplement

In response to your request
there are attached 11 letters & 11 memo's
reports which may relate
to the subject of your inquiry.

Remarks/Special Instructions:

JAN 06 1994

July 18, 1996

BY HAND DELIVERY

The Honorable William F. Clinger, Jr., Chairman
Committee on Government Reform and Oversight
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Dear Chairman Clinger:

We understand you have indicated an interest in the circumstances under which the White House identified and produced to your Committee Billy Dale's FBI file.

In the course of gathering documents responsive to your request for all White House records related to Billy Dale, in December 1995, Tom Taggart of the Office of Records Management (ORM) located a file that had been archived by the Office of Personnel Security (OPS) containing Billy Dale's FBI background file. Mr. Taggart notified then-Associate Counsel Natalie Williams of the file. Because we already had notified your staff that we did not understand the Committee to be requesting confidential personnel material that otherwise would be subject to the Privacy Act, Ms. Williams did not retrieve the file at that time. Mr. Taggart's communication with Ms. Williams on this subject is reflected in the attached document from ORM.

In mid-February, the Counsel's Office hired Wendy White as a Special Associate Counsel to assist in completing our response to your Committee's January 11, 1996 subpoena, which included another request for confidential personnel material. Ms. Williams informed Ms. White about the Billy Dale file maintained by ORM so that Ms. White would know to retrieve it should the Committee insist that we produce such material. When we reviewed with you the outstanding document issues at our meeting on February 15, 1996, we proposed that the matter of personnel material might be resolved in a manner that protected the privacy of the individuals involved, including Billy Dale, by your review of the material in camera. At that time, although Ms. Williams was aware that the FBI file existed, no one had reviewed it.

Hon. William Clinger, Jr.
July 17, 1996
Page 2

Our proposal to you was unanswered until May 2, 1996, when you implicitly rejected our request for sensitive treatment of personnel material by insisting that the White House either produce all documents responsive to the Committee's subpoena or formally assert executive privilege. On May 9, 1996, the President asserted a protective claim of executive privilege over all material called for by the Committee's subpoena that had not yet been produced, including the personnel material. At that time, the Billy Dale FBI file still had not been retrieved from ORM or reviewed by anyone from the Counsel's Office.

The protective assertion of privilege, a blanket invocation asserted in accordance with procedures adopted in the Reagan Administration, gave us an opportunity to formulate a recommendation on the assertion of executive privilege with respect to each particular document. We undertook this process with lawyers from the Department of Justice, who reviewed those materials we had preliminarily identified as being candidates for an assertion of privilege. Even before consulting with DOJ, however, we agreed that we would not recommend a claim of executive privilege over personnel material. Accordingly, there was no need to review this material with DOJ and we did not do so.

On May 21, 1996, Ms. White obtained the FBI file from ORM. No one reviewed the file before May 21, 1996, which was after the decision to produce personnel material already had been made. Under Ms. White's supervision, the file -- which included the form submitted to the FBI requesting Mr. Dale's previous reports -- was copied and produced to the Committee on May 30, 1996 with the other documents we had designated for production.

In his July 4, 1996 column in the New York Times, William Safire reports that the White House story has Ms. White removing the Billy Dale FBI file from the stack of documents we anticipated producing to the Committee before providing the stack for my review. As it turns out, the Billy Dale FBI file was not among the documents I reviewed because the stack was provided to me before Ms. White retrieved the file from ORM. Although we had discussions, as described above, about the production of personnel material generally, we had no discussion whatsoever about whether the Billy Dale FBI file should be produced.

Hon. William Clinger, Jr.
July 17, 1996
Page 3

At the request of your staff, enclosed is a statement from Ms. White describing her involvement in these matters. Please let me know if you have further questions.

Sincerely yours,

Jane C. Sherburne
Special Counsel to the President

Enclosures

cc: Hon. Cardiss Collins (w/enclosures)

July 18, 1996

STATEMENT OF WENDY S. WHITE
CONCERNING PRODUCTION OF BILLY DALE FBI FILE

I was hired as a Special Associate Counsel in the White House Counsel's Office to assist in the production of documents in response to the January 11, 1996 subpoena to the White House from the House Committee on Government Reform and Oversight related to the Travel Office matter. I started work on February 14, 1996. At that time, much of the work had been completed for the production; but there was more to do.

Shortly after I started, Natalie Williams, who had been working on the subpoena response, returned to private practice. Before she left, she provided me with certain information I needed in order to complete the production. During this transition period, she advised me that the Office of Records Management maintained a Billy Dale file responsive to the subpoena that should be retrieved from ORM if the Committee and White House reached agreement that the file should be produced for in camera review or otherwise.

On February 26, 1996, the White House produced the bulk of the remaining documents to the Committee, with a transmittal letter identifying certain outstanding issues, including the treatment of personnel material. In the letter, the White House invited the Committee to discuss this issue further to reach an accommodation. Since the issue of the treatment of personnel file was unresolved, I did not retrieve the Billy Dale file at that time.

On May 2, 1996, Chairman Clinger advised the White House that all outstanding documents responsive to the January 11, 1996 subpoena must either be produced or identified as subject to a claim of executive privilege. Consequently, on May 21, 1996, I had the Office of Personnel Security retrieve the Billy Dale file from the Office of Records Management. At my direction, the file was then copied and prepared for production. I gave the original file back to the Office of Personnel Security on May 23, 1996 to be returned to ORM. The White House produced the Billy Dale file to the Committee, together with the other documents, on the morning of May 30, 1996.

C O P Y
from ORM

MEMORANDUM FOR TERRY GOOD, DIRECTOR OF RECORDS MANAGEMENT

DATE: JANUARY 2, 1996

FROM: TOM TAGGART JR.

SUBJECT: TWO DECEMBER 19, 1995 TRAVEL OFFICE SEARCHES FROM
COUNSEL'S OFFICE

THE SEARCH FOR TRAVEL OFFICE DOCUMENTS IN OUR OFFICE IS
CONCLUDED. MOST ALL MATERIAL SUBMITTED TO COUNSEL HAD BEEN
SUBMITTED IN PRINTOUT OR COPY FORM PREVIOUSLY. OUR SEARCH, AS
YOU ARE AWARE, CONSISTED OF SEVERAL PHASES, HEREBY OUTLINED:

- 1) ALL NAMES OF INDIVIDUALS, CORPORATIONS AND OTHER ENTITIES
WERE SEARCHED IN OUR ALPHA FILE.
- 2) ALL NAMES OF INDIVIDUALS (INCLUDING WHITE HOUSE STAFFERS),
CORPORATIONS AND GOVERNMENT AGENCIES WERE COMPUTER
SEARCHED AND A PRINTOUT WAS RUN BY NAMES. LARGE STAFF
PRINTOUTS WERE NARROWED BY USING KEY WORDS.
- 3) CASES AND PRINTOUTS WERE CROSS-CHECKED USING AGENCY CODES.
- 4) A PRINTOUT WAS RUN USING TRAVEL ADJ OFFICE - AND TRAVEL AND
OFFICE. THIS PRINTOUT WAS GIVEN TO NATALIE WILLIAMS. (MIRRORED A
PRINTOUT GIVEN TO HER EARLIER IN THE YEAR.)
- 5) THE FIRED TRAVEL OFFICE EMPLOYEES WERE ALSO INDIVIDUALLY
CHECKED BY NAME FILE SEARCH AND COMPUTER CHECK. BILLY RAY
DALE'S FBI BACKGROUND FOLDER WAS LOCATED IN CRAIG LIVINGSTONE'S
BOXES. NATALIE WILLIAMS WAS NOT INTERESTED IN THIS FOLDER.
- 6) ALL FILE LISTINGS WERE SEARCHED FOR CALENDARS, PHONE
RECORDS, AND MESSAGE SLIPS FOR THOSE EMPLOYEES REFERENCED IN
THE MEMO.
- 7) ALL UNPROCESSED WORK IN ROOM 72 WAS SEARCHED FOR
RELEVANCE. 2 DOCUMENTS IN PATSY THOMASSON'S BOX WERE COPIED
FOR COUNSEL. NO OTHER RELEVANT MATERIAL WAS LOCATED.
- 8) ALL PRINTOUTS AFTER PRE-SCREENING WERE GIVEN TO NATALIE
WILLIAMS - COUNSEL'S OFFICE. SHE HAS REQUESTED COPIES OF
PARTICULAR CASES. (A RUNNING LOG OF HER REQUESTS IS BEING KEPT)
- 9) 43 BOXES OF STAFF FILES (OVERSIZE ATTACHMENTS) WERE LOCATED
EITHER THROUGH THE PRINTOUTS OR BY NATALIE WILLIAMS' REQUEST.
THESE WERE PRESENTED FOR COUNSEL OFFICE REVIEW.

Today on 12/27/95 I asked Natalie Williams
about Billy Dale's FBI (retired) ^{background} report that ^{check to} ^{nothing}
he received with other files from Craig
Livingstone. She said that this file
involved personal & personnel privacy
issues - would not be sent to the Committee,
nor would it be released. She is not
interested in seeing file.

Tom Taggart Jr.
12/27/1995

June 14, 1996

Jack:

I am writing in response to Jane's note to you about why Billy Dale's security file was singled out for production. The answer is two-fold.

First, I arrived at the White House on February 14, 1996 -- less than 2 weeks before the date set for production of documents responsive to the January subpoena. Natalie was leaving and I learned what I could from her before I left. She told me that if we ever produced Billy Dale's personnel file to call Craig Livingstone for the personnel file he had for Billy Dale. I also understood from the preparation work for the meeting on Feb. 15 with Chairman Clinger that the personnel file was offered for in camera review for "privacy" reasons. Accordingly, in the White House Feb. 26 response to the subpoena -- I specifically wrote, in response to No. 29, that we were not producing Billy Dale's file to accommodate these privacy concerns. No one suggested to me then (or now) that there were any other such responsive files. If there were, they should have been identified to me in February so I could have referred to them in my response to Clinger.

Second, Billy Dale's file was produced pursuant to No. 29 which called for all records relating to Billy Dale. The only other such broad request in the subpoena concerns Harry Thomason. So the only other possible file that would have been caught was his. I have no idea whether or not there is such a file. I understood, however, that we were reading this request as limited to Harry Thomason's activities in the White House -- so it is possible that a decision was made that his background file was not responsive.

Finally, I should add that , although I believe we were required to produce the Billy Dale file pursuant to the subpoena, it was not my decision to do so. The reason articulated to me for not producing it earlier was the Privacy Act concern - although the Act does not cover the White House and, of course, has a specific exemption for disclosure of files to the Senate or House. Whenever we discussed production of the personnel file -- a "Category 3 record" -- the consensus was that we would give it to the Committee together with the rest of this material.

Wendy

cc: Jane