

1 they were currently filling them out or that they had
2 departed the White House.

3 MR. SCHANZER: Okay; what significance did you
4 attach to the fact that the people that you had requested
5 FBI background files on were actually no longer with the
6 White House?

7 THE WITNESS: From my understanding, I really
8 didn't attach that big a deal to them, because I didn't,
9 one, know who these people were. I just assumed that a
10 majority of them were just people who had maybe stayed over
11 a day, a month or what not, and then, they had departed the
12 White House after saying okay, hi, new personnel; this is
13 the way it's been done; okay, now that I've trained you,
14 bye. And so, I just--

15 BY MR. HIRSHLAND:

16 Q Like Ms. Gemmell.

17 A Like Ms. Gemmell, exactly; exactly like Ms.
18 Gemmell. That was what I assumed these people were.

19 MR. SCHANZER: And you came to that belief by
20 getting these responses from the agencies.

21 THE WITNESS: By getting the responses that they
22 had left.

23 MR. SCHANZER: Now, when you learned that somebody
24 had left, what would happen to their FBI background file
25 that was, I guess, currently in Room 84?

1 THE WITNESS: It was currently contained in the
2 vault, and what we had said was that--pardon me; or what I
3 should say we had established was that we created a drawer
4 that all people who had been--

5 MR. SCHANZER: When you say we, who was aware at
6 this point?

7 THE WITNESS: The office, just the office in
8 general. Everybody in the office knew that we had gotten
9 background investigations of people who were no longer
10 working there. And in some cases, we didn't know when they
11 left. And in some cases, it was not very clear as to when
12 their departure date was.

13 MR. SCHANZER: Did Mr. Livingstone know that?

14 THE WITNESS: No.

15 MR. SCHANZER: Why do you believe that Mr.
16 Livingstone didn't know that you had gotten files on people
17 who--

18 THE WITNESS: Oh, oh, oh; I thought you meant that
19 he didn't know what their departure date was.

20 MR. SCHANZER: No, I'm sorry.

21 THE WITNESS: No, he did know that we had gotten
22 files on people who were no longer there.

23 BY MR. HIRSHLAND:

24 Q Did Mr. Kennedy know?

25 A I do not know.

1 And we had set up--the office in general had set
2 up--a file drawer that was to be slotted for files, FBI
3 backgrounds, that were to be archived because these people
4 were no longer at the White House.

5 MR. SCHANZER: Did it come to the offices'
6 collective knowledge at some point that not only did you
7 have files on people who may have left during the Clinton
8 administration but people who, indeed, had never even been
9 in the Clinton administration?

10 THE WITNESS: We eventually did discover that
11 there were a few individuals who had left at the transition
12 period. We just assumed that it had been a glitch in the
13 computer that they had come up active, that we didn't know
14 that Joe Blow had left.

15 MR. SCHANZER: When you say that they had come up
16 active, do you mean that they appeared on a list--

17 THE WITNESS: On the list.

18 MR. SCHANZER: --that you assumed was only active
19 passholders?

20 THE WITNESS: Yes, that they appeared on that
21 list.

22 MR. SRERE: You say assumed it was only
23 passholders; I think she testified they asked the Secret
24 Service for a list of active passholders and that that is
what the Secret Service gave them. So, to the Secret

1 Service, which has control over the White House access, the
2 Secret Service thought these people were active.

3 MR. SCHANZER: Correct; okay.

4 Now, when you came to this--well, I'm sorry, I've
5 lost my train of thought. How did you come to this
6 knowledge, understanding, that you may actually have files
7 on people who had never been in the Clinton administration?

8 THE WITNESS: When it got to the point where we
9 were requesting passes--or, I'm sorry, not passes but
10 background investigations--on people, and we found out that
11 under the White House Operations, it fell that they were
12 with the Office of Presidential Personnel or they were with
13 a Presidential department.

14 MR. SCHANZER: Was this when you got to the part
15 of the update project dealing with White House staff?

16 THE WITNESS: Yes, with the--

17 MR. SCHANZER: Separate and apart from GSA.

18 THE WITNESS: That is my recollection, yes.

19 MR. SCHANZER: Separate and apart from NSC;
20 that correct?

21 THE WITNESS: Yes.

22 BY MR. HIRSHLAND:

23 Q And are you saying that that part of the process
24 had already been done for those other departments or--

A It was all being done at the same time. Nancy had

1 started off--if my understanding is correct, Nancy had
2 started off with certain offices, and I basically became
3 aware that by accident, we had requested files of people who
4 were no longer at the White House. I became aware of the
5 fact that we requested the files of some people who had not
6 been at the White House since the Clinton administration
7 took over when we actually started receiving those
8 departments that fall under the umbrella of White House
9 Operations.

10 MR. SCHANZER: Our records seem to indicate that
11 the FBI's report is that these requests for those files were
12 made beginning in December, and they went through all the
13 way to February. Do you know when you became aware that
14 ~~certain White House staff people had files requested, and~~
15 they had never been in the Clinton administration?

16 THE WITNESS: I don't know specifically, but if I
17 had to--

18 MR. SCHANZER: Is that consistent with your
19 recollection, that time period? Is it around then?

20 THE WITNESS: Consistent with my recollection is
21 that it was in the winter, and it was cold.

22 MR. HIRSHLAND: Sorry; I'd like to clarify for the
23 record. We have some information that such files were also
24 being requested earlier in the fall, but we don't need to
25 get into the details of that. Just so you know that that is

1 our understanding.

2 MR. SCHANZER: There were files being requested,
3 but you're talking about information about White House staff
4 being done in the fall?

5 MR. HIRSHLAND: Yes.

6 THE WITNESS: Is the question when I became aware
7 of it or when it was actually done?

8 MR. SCHANZER: No.

9 THE WITNESS: Oh.

10 MR. SCHANZER: When you became aware; that's what
11 I was interested in.

12 Okay; what happened then? Did you inform Mr..
13 Livingstone that this had occurred?

14 THE WITNESS: I asked Craig if--I said Craig, or
15 we thought--do you know that--it was sort of like an in
16 passing type thing, because we had already known that we
17 were getting background investigations on people who had
18 left, and he said yes; that is just--it's part of the
19 process.

20 MR. SCHANZER: What did you take that to mean,
21 when he said it was part of the process?

22 THE WITNESS: That it was one of the only ways
23 that we could find out that these people were no longer
24 there, because if they fall under the umbrella of White
25 House Operations, we have no idea, like I said, where in the