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COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
 U.S. HOUSE OF REPRESENTATIVES
 WASHINGTON, D.C.

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In the matter of :

WHITE HOUSE TRAVEL : DEPOSITION OF
 : JEFF UNDERCOFFER

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Wednesday, July 10, 1996

Washington, D.C.

The deposition in the above matter was held in Room 2203, Rayburn House Office Building, commencing at 10:10 a.m.

Appearances:

Staff Present for the Government Reform and Oversight Committee:
 Barbara Olson, Chief Investigator; Barbara Comstock, Special Counsel;
 Laurie Taylor, Investigator; Donald Goldberg, Minority, Assistant to
 Counsel; Daniel Hernandez, Minority Professional Staff Member.

For JEFF UNDERCOFFER:

WILLIAM E. CLANCY, ESQ.

THEREUPON,

JEFF UNDERCOFFER,

a witness, was called for examination by Majority Counsel, and after having been first duly sworn, was examined and testified as follows:

Ms. Comstock. We just have a short statement giving a background on the investigation before we start. Some of it is not going to apply -- I mean, maybe a good bit of it may not -- but just to give you an idea, an overview of what we are looking at.

We are on the record this morning for the deposition of Jeff Undercoffer from the Secret Service, which is being administered under oath. My name is Barbara Comstock, I am Majority investigative counsel. With me today is Barbara Olson, who is our chief investigative counsel, and Laurie Taylor, who is an attorney on the Majority staff, and Don Goldberg and Dan Hernandez are Minority staff.

I would like to provide you with some background information concerning this investigation and your appearance here. Pursuant to its authority under Rules 10 and 11 of the House of Representatives, the Government Reform and Oversight Committee is investigating the White House Travel Office matter and related matters.

This refers to all events leading to the May 19, 1993 firings of the White House Travel Office employees and includes all information provided by the White House Travel Office and any employees at the White House Travel Office at any time from January 1st, 1993 to the present.

Our investigation also encompasses the activities of Harry Thomason, Darnell Martens and Penny Sample at the White House as well as allegations of wrongdoing concerning Travel Office employees.

The committee investigation is reviewing all actions taken by any Division or field office of the FBI and Department of Justice, both prior to and after the firings, as well as issues relating to the White House's receipt of FBI background investigations on prior administration officials.

The investigation includes, but is not limited to, the investigation and prosecution of U.S. v. Billy Ray Dale and all investigations and subsequent reviews of the Travel Office firings by any agency including, but not limited to, the White House Management Review, all FBI and Justice Department reviews, the IRS and Treasury Department internal reviews and records, the GAO Review, as well as the proposed U.S. House of Representatives Resolution of Inquiry. I think in particular the White House Management Review discussed at length the White House passes and those type of matters.

Do you understand that your answers should not -- I'm sorry, should not exclude any information which you recall involving these subjects?

The Witness. Yes.

Ms. Comstock. The committee has been granted the specific authorization to conduct this deposition pursuant to House Resolution

369, which was passed by the House of Representatives on March 7, 1996. We can get the rules for you if you would like to have a copy of them for you today.

The committee counsels will proceed with equal rounds of questioning, each lasting up to 1 hour. We will alternate. We will just be questioning one at a time. If you have any questions for counsel, or if you want me to rephrase a question, just ask if you don't understand it as we are going along.

You are here today voluntarily and not by subpoena; is that correct?

The Witness. That's correct.

Ms. Comstock. Okay. You will be given a 5-day time frame in which you can come in with your attorney for the Secret Service and review your deposition once it has been transcribed, and to correct any technical problems that you perceive occurred in the transcription, and to clarify any matters. After that review period, you will be asked to sign the transcript.

Do you have any questions before we start today?

The Witness. No.

EXAMINATION BY MS. COMSTOCK:

Q If you could just tell us your position at the Secret Service and how you became involved in reviewing the FBI files matter?

A Okay. The FBI file matter. No, I am an agent assigned to the White House Division. I have been assigned there since January of 1994 in that this whole matter regarding the FBI background files and the production of access lists are generated by my Division. That is how I am involved.

Q Could you describe the analyses that you have done on the lists? Do you have a general discussion that you could provide for us?

A I do not have a general discussion; probably a 10-minute presentation. It involves charts. They are very visual, along with I have some definite numbers, if you would like me to just go through it.

Q Why don't we go through that, just so you can tell us what you have done in your review of the files.

A Okay. If I may?

Q Yes.

Mr. Goldberg. With the charts I think you have to be as descriptive as possible.

The Witness. I will be as descriptive as possible, and then we will provide copies of these also.

I have two charts, and the general -- as part of my analysis, what I began looking at was did we, did the United States Secret Service, provide to the White House Office of Personnel Security any time during 1993 a list that showed the majority of these people from the list that you have here? It is the same list I have.

I have been given -- first I will start by saying I have been given two lists. One was longer than the other. There is a total of 476 names on them. The two lists have one name in common, and that is -- I can't remember the guy's name in particular.

Ms. Comstock. Okay. Why don't we make that list Exhibit 1 here so we can refer to it throughout the deposition.

[Undercutter Deposition Exhibit No. 1

was marked for identification.]

BY MS. COMSTOCK:

Q Exhibit 1 is the list, the initial list of 300 plus names that was initially released by the White House, and then we also have the second list, which I believe you referred to attached as part of Exhibit 1, which has an additional number of names.

Actually, maybe we should clarify before we start with the charts that the first list of 300 or so names was the initial list provided by the White House, I believe, on June 7th, provided to the public. The second list was provided a week or so later, and the White House has represented to us that this list did, in fact, contain 70 or 70 something or 80 or so names that actually were properly -- they were active, and the files were properly sought; is that your understanding?

A 89 names.

Q Okay, 89.

And the reason the second list came about, we have been told by the FBI, is because of they noticed that there were more names in the series that Mr. Marceca; is that correct?

A I don't know. I can only speak to the fact that I was given the long list, the short list.

Q Okay. So we will refer to these lists that have the combined numbers that you are talking as Exhibit 1, and this particular copy, Exhibit 1, has the deactivation dates of all of the people on the list also --

A Okay.

Q -- as provided, I understand, by the Secret Service.

A Okay. We will call it Exhibit 1. On my charts I refer to it to the list of 476 because combined, there is 476 individual names on the list.

Q Okay.

A I took two views of this information, and I used the WAVES information as to -- because our WAVES system produced the access lists. I noticed that, by looking at the deactivation dates on these individuals, that 94 of the individuals were not active at any time prior, or from 1989 and back.

In 1989 was the Bush-Reagan transition, and that is when our E-PASS system came on line. They chose to bring it on line in the transition. That is where we went from a paper pass to the hard pass. It is a hard card. It has a microchip in it, and each one has an individual number to it. So 94 of those people were never active in the E-PASS system. They were -- they had been issued paper passes in previous administrations, and never a pass through the E-PASS system.

Now, we move up to August of 1991. I have -- we have historic WAVES records. If I may refer to my notes, I have -- we have historic WAVES records where I have a printout dated August 7th of 1991 listing inactive passholders. So that printout list, it is a WAVES printout, lists all inactive passholders from August 7th, 1991 backwards. And on that printout, 182 of those 476 names from Exhibit 1 are included on that printout.

I have another printout generated by WAVES on May 2nd of 1993. That is a printout of active passholders, active passholders employed by White House operations personnel. From that printout I was able to deduce -- and I will get more into how the numbers break down when I come to the second chart -- but from that printout I was able to deduce that 368 individuals of the 476 were inactive passholders as of May 2nd, 1993.

Then I have a very similar printout dated July 8th of 1993. Again, that is a printout showing all inactive passholders employed by White House operations personnel, which the overwhelming majority of these 476 were. There were three individuals that were not. They were employees of the residence. But anyway, 379 of the individuals from the 476 from Exhibit 1 would have been inactive passholders as of July 8th.

Now, to look at the information from another --

Q So we have just been referring to the chart entitled "Inactives" in WAVES from the list of 476. And you can provide us with a small copy of that so we can make that part of the deposition?

A I will provide a small copy of that.

Q Thank you.

A And the purpose of this graphic representation of the information is that it is very easy to visually see that the White House Division of the Secret Service did not provide a list with 476 people on it of those individuals from Exhibit 1 as active, because they were, in fact, inactive.

Q And then would the 89 of the people having been on there correctly, would that then be added to the 379?

A 379 -- we will add this together when we --

Q Okay.

A When I look at this information, I look at it two ways. I look at it deductively and inductively, coming at two different approaches. So it helps me keep my thoughts straight. The numbers can get very confusing, and it helps me keep my thoughts straight.

To take a closer look at this information --

Mr. Clancy. Why don't you reference the title.

The Witness. Okay. "Pass Deactivations from the List of 476."

Working up until 1989, I find that from the list we have called Exhibit 1, one individual has not worked for any administration since 1984; two individuals since 1985; four individuals since 1987; three since 1988; and 84 since 1989. And that brings -- again, 52 individuals have left, according to our records, in 1995. In 1991, 59 individuals have left.

And again, my printout, the printout I have showing -- and I will submit this to you. I have the printout dated 8-7 of 1991, and attached to it I have a key, an alphabetical key, referencing the file numbers, because the printout is in file number order. But 182 individuals from the list of 476 that we are calling Exhibit 1 are listed on this printout that says "WAVES inactive passes." So there is no way post-August 7th, 1991 that they were on a printout reproduced that said they were active.

Our records also show that in 1992, 75 people left and were consequently made inactive. Now, in January of 1993, and I have an historic WAVES document, this is a printout produced by the WAVES system, and it is dated -- and what it shows is -

BY MS. COMSTOCK:

Q That is dated what?

A January 28th of 1993.

What this shows are all of those passholders who became inactive in the month of January of 1993. There were 18 individuals from Exhibit 1, the list of 476 people, included on this printout.