

in the Senate that he had done a report, and that it was the feeling of those who had been involved in the report that Mr. Livingstone's credentials were not sufficient to hold such an important office in the White House.

Did you ever have discussions in your office about concerns that you had about Mr. Livingstone's credentials in his job in the Personnel Security Office?

A No.

Ms. Comstock. In the course of the pass process, there were numerous extensions throughout the process of temporary passes. I have a few here. I will make these part of the record. This is a December 13th memo for the Secret Service from White House security; subject, extension of passes. I understand you were not there at that time, but this is a two-page list of individuals who needed to have their passes extended. Most of them were 90-day extensions. It is CGE 47029 through 30. Make this Exhibit 3.

[Undercoffer Deposition Exhibit No. 3

was marked for identification.]

BY MS. COMSTOCK:

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Q This list appears to be extending the temporary passes. There are a number of new White House staffers. Mr. Stephanopoulos is included on here, Mr. Eggleston, Ira Magaziner, many individuals who had been at the White House from January 20th forward.

Did you ever have any discussions about why these temporary passes continued to be extended, you know, month after month?

A Yes.

Q Did there come a time when you had meetings -- could you describe those discussions?

A The discussions, we knew that these lists were processed over some period of time, and when a list like this would come in, the administrative personnel would have to go into the E-PASS system and extend the pass; that because they didn't have permanent passes. I knew that they didn't have permanent passes because background investigations and requests for permanent passes had yet to be submitted to us by the administration.

Q In fact, when you started in '94, not too many files had probably come through to the office, had they?

A No.

Q So in '93, whoever was there, there weren't too many files going through to them; is that correct?

A I couldn't say. I can only tell you what I did.

Q Did you discuss this with your supervisor, these extensions, while you were there?

A Well, there is not a lot to discuss, really. These are individuals that worked at the White House and needed access to the White House. We would honor the administration's request to extend the passes.

I do know that at a certain point in time, though, there were some concerns because of the amount of time, the number of extensions they were given where we didn't have a chance to review the backgrounds, and again from a protective concern that, you know -- I don't know -- because the meetings that went on to address this issue really went on at a level above me.

Q The GAO report, White House passes, which is issued in October of 1995, page 16 of the report -- I have a copy of the report here. Directing your attention to page 16, it is towards the bottom right above step 3. I am sorry -- the middle paragraph on the page.

A After satisfactory or --

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Q Yes. Towards the end of that paragraph it says, in the case of an extension, the Executive Office of the President requests the Secret Service to extend the temporary pass. After one extension the Secret Service contacts the requesting office to provide a rationale for an additional extension, according to Service officials.

Were you aware of the Secret Service contacting the Counsel's Office about these additional extensions to get a rationale for them?

A There were a lot of discussions and meetings, but again that was not held by myself. That was a level above me.

Ms. Comstock. I will make page 16 of the GAO report Exhibit 4.

[Undercoffer Deposition Exhibit No. 4

was marked for identification.]

BY MS. COMSTOCK:

Q At any time did anyone bring to your attention that Craig Livingstone had had a criminal complaint brought against him in November 1993 regarding threats to a neighbor?

A I wasn't aware of that.

Q It has recently been made public in the newspaper that he had threatened to "beat your face in," he had threatened a neighbor to "beat your face in" because of her dog barking. Would that have been the type of material in general that would have been of concern as you reviewed a file, if that kind of information had been in a file, someone making threats against a neighbor?

A Yes, it would have.

Q Would that have been the kind of thing that you would have raised with a supervisor, that somebody had made that kind of threat?

A It depends upon the assessment that the FBI wrote in the summary. We don't take -- because somebody has lodged a police complaint against somebody, we don't take that in and of itself --

Q Why don't I -- I am talking generally, but if the person had acknowledged that they said this, would that have been a concern if it was a recent event?

A It depends on the explanation. These things are very exploratory. Again, we are looking at the whole person and trying to make an assessment of the person, obviously by doing little snapshots in time. But an incident like this, yes, it would flag a concern, but you would have to look at more of the person.

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Q Would you have concerns about an individual who had made such a threat, what their judgment would be in terms of judging other people's suitability at the White House?

A I don't think it is very related.

Q In 1994, was there a large number of volunteers coming into the White House, to your knowledge?

A Yes, there were.

Q Did that have an impact on the system in terms of the E-PASS and the WAVES, that there were large volumes of people?

A Not in 1994. It wasn't until 1995. There were a large number of volunteers that were on the access list, and so they would show up at a gate, identify themselves, provide a driver's license, some other form of identification, and be issued a temporary pass good for one day. They would turn the pass in when they left. There were, however, some volunteers that were issued permanent passes.

As far as having a pronounced effect on the system, no, the system was able to deal with it.

That in and of itself -- there were many cumulative things over time where it did have a pronounced effect on the system, the number of

visitors, the number of -- the number of visitors and appointments and work tradesmen that came in increased dramatically. The volunteers was another pass type; interns was another pass type. So there were -- I have stated previously that the system, the load on the system, increased initially by 100 percent. But it spread over a wide -- many categories.

Q When the issue of the whole FBI files and all these 400 some, and now there are more files we have learned about, first came to public awareness, did Craig Livingstone ever contact you or anyone else --

A Me, no.

Q Are you aware of him calling anyone at home or others in the Secret Service to contact them about this matter?

A At home, no.

Q Are you aware of him contacting individuals?

A As I think we are both aware, there was Agent Cole's testimony as to what Mr. Livingstone told him on the 7th or the 12th. I am not sure of the dates. That is the only thing I am aware of.

Q But you weren't aware of him contacting others?

A No.

Q Do you know of him contacting any of the secretaries or women who worked in the WAVES office?

A Not that I know of.

Ms. Comstock. Did you want to ask some questions?

Mr. Goldberg. Yes.

BY MR. GOLDBERG:

Q Mr. Undercutter, exactly, if you remember, when did you start at the White House?

A January 4, 1994.

Q What precisely are your responsibilities?

A Okay. Again, I am a special agent for the Secret Service assigned to the White House Division. I review background investigations, any investigations conducted on the complex, any investigations that needed conducting on the complex, investigations that we would conduct, we were responsible for doing. Issues like the access control is one of our responsibilities. The issues are so varied that -- and responsibilities so

varied -- anything that comes up.

Q Let me ask you about the background investigations. How many do you think you would do in a given month? You weren't there at the start of the administration, so the numbers probably tailed off to some degree in '94; is that accurate?

A There was at a point in '94 a lot of background investigations, but then they died down.

Q Is that because the backlog from '93 had been publicly identified, or do you have an explanation for it?

A I can only speak as things came into our office. There were a lot of background investigations that came in all at once, and we would do them.

Q Once the numbers got down to normal, what is the average per month that you would look at?

A We would probably do 40 a month.

Q When you look at a file, are you only looking at the FBI summary, or do you have your own Secret Service data bases that would have exclusive information you would also run a name against?

A There is two types of backgrounds that are done. One is for pass requests, and that is the FBI summaries. We will do military, and they contain DIS investigations. And the other is backgrounds that we ourselves do for tradesmen that come in. They will -- if there is a problem with an individual, they will include police reports and information from our own data bases.

Q That last clause, "and information from our own databases," that means for all three of the previous categories?

A No. Only for background investigations that we do.

Q So for a hard pass you would not tap into your own data base to see if you had information that the Bureau had not uncovered that would be relevant?

A I am not sure where in the procedure it is done, but a records check of an individual's name is run. Before somebody is first brought into the system, when they are given a temporary pass, we run their name in our system.

Q So at some point everybody who you have reviewed has been run through your own data base?

A Yes.

Q That has nothing to do with anything. I was curious about that.

What are your responsibilities for the data base systems?

A Which --

Q The E-PASS and the WAVES?

A I administratively oversee them. I do some technical components of them. If there is changes that need done or for putting in -- for doing add-ons or going to expand the system, I will help design the system.

Q You said you started January 4, 1994. Did you know Nancy Gemmell at all?

A No.

Q Or Tony Marceca?

A No. No, I didn't.

Q So you don't have direct knowledge of any event of '93. You are here more as an expert witness than a fact witness?

A Yes.

Q How about Lisa Wetzl; did you deal with her?

A Yes, I did.

Q Was she the person who would bring to your attention any problems with names?

A Lisa had brought names to my attention, as did Craig.

Q Do you recall how often that might have happened?

A My estimate over the whole time period from when I first became aware of the problem until we had resolved it was about 20 names. This is for everybody in the system.

Q I want to ask you about the audit you did, because you relied on a July 8th, 1993 -- I am looking at the dates there --'83 list that, correct me if I am wrong, somebody found in a desk drawer at some point?

A No, it was in our file drawer.

Q Are you able from either WAVES or the E-PASS to recreate lists that were provided to the Office of Personnel Security in '93?

A We cannot do it from WAVES.