



Federal Bureau of Investigation

Office of the Director

Washington, D.C. 20535

**FOR IMMEDIATE RELEASE**  
**JUNE 14, 1996**

FBI Director Louis J. Freeh today said he has ordered sweeping new measures to protect sensitive background investigation files from improper use to prevent a recurrence of egregious violations of privacy that occurred when the White House earlier requested and received certain FBI records.

Freeh said he took the action after an intensive FBI internal inquiry showed that the Bureau has failed to adequately safeguard such records against negligent or intentional misuse.

"The inquiry shows the FBI gave inadequate protection to the privacy interests of persons in FBI files," Freeh said. "The inquiry also found the Bureau failed to make certain that agencies receiving files followed exacting privacy procedures."

Freeh said that the inquiry's discovery of "egregious violations of privacy" required that the FBI move promptly and firmly to reform procedures and solve the problems. The new protective measures are being put into place at once.

The FBI inquiry has also discovered, Freeh said, that the White House has identified 408 files sought and received by the White House "without justification." Freeh said those files have been voluntarily surrendered by the White House to the FBI, including: 333 files on June 6; and, following "a further query from the FBI," 71 more improperly-sought files yesterday, June 13. The status of 17 other White House file requests is still to be determined.

Freeh said the results of the FBI inquiry are being given to Independent Counsel Kenneth W. Starr, who is investigating matters related to the White House Travel Office. Since part of the file problem relates to the Travel Office, the FBI could not question White House employees about the files and thus limited its inquiry to FBI personnel, Freeh said.

It is important to note, Freeh said, that the FBI report contains this finding on the files requested by and given to the White House: "Among the unquestionably unjustified acquisitions were reports relating to discharged Travel Office employees Billy Ray Dale and Barnaby Brasseux."

Freeh ordered the inquiry on learning a week ago that the White House requested and received the background file of Dale, a former White House Travel Office director, months after he was fired. Dale was later acquitted of charges of wrongdoing in the Travel Office position.

The FBI inquiry was expanded when it was learned that the White House, early in the Clinton Administration, also requested and received a large number of files on officials in the previous Bush Administration and other persons. In addition, the FBI learned the White House requested and received the FBI file on a second, discharged Travel Office employee, Brasseux.

FBI General Counsel Howard M. Shapiro directed the inquiry and wrote the report that was submitted to Freeh today. Deputy Attorney General Jamie S. Gorelick concurred with Freeh's new measures to prevent further privacy abuses.

Freeh said he has scrapped the long-standing former system where the White House submitted a file-request form that merely contained the typed-in name of the White House Counsel, with no indication who actually sought the information and who approved the request.

Freeh said the FBI's new safeguards include:

-- A requirement that the White House must use a detailed new request form containing the actual signatures of the official requesting the material and a White House Counsel's Office attorney approving the request.

-- The White House officials must certify that the information is sought only for official purposes and give more detailed reasons why the material is needed.

-- The White House officials are put on strict notice by the FBI form that criminal sanctions are available for any violations of the law, including false statements or disclosure of information violating the Privacy Act.

-- White House requests for file material must be accompanied by the consent of the file subject or a White House Counsel letter to the FBI General Counsel explaining why such consent cannot be obtained or should not be sought.

-- The FBI will make certain that high-level FBI officials will review White House information requests instead of such requests being routinely filled by low-level personnel. For example, the FBI Office of General Counsel will receive and review a copy of each White House request for FBI files.

-- In the past, the FBI routinely filled White House requests for copies of previous background files without checking to see if there were pending criminal investigations of the subjects. Under the new procedures, there will be checks on all subjects to determine if there are criminal investigations. If so, information dissemination will be halted, high-level FBI officials will be informed, and the matter will be referred to the Deputy Attorney General to determine what, if any, communication should be made to the White House.

Freeh said the now-scrapped system of providing files to the White House dated back to the Johnson and Nixon Administrations and for decades and through many Presidents it presumably appeared that there was compliance with the law. Freeh said he believes that over the years the FBI complied with various federal laws governing FBI release of background files to the White House and other federal agencies for security clearances and other legitimate functions.

However, Freeh said, it is now clear that the system was very vulnerable to misuse and that government officials over several decades, including himself, had not provided adequate oversight of the system, resulting now in violations of privacy.

Freeh said "As FBI Director since September of 1993, I am responsible for the FBI problems and shortcomings since then, and I fully accept that responsibility. I pledge to make certain that no such problems occur again while I hold this post.

"While I only learned about these problems a week ago, I do not stand on any technical defense or make any excuses," Freeh said. "I was not vigilant enough."

Freeh said "The prior system of providing files to the White House relied on good faith and honor. Unfortunately, the FBI and I were victimized. I promise the American people that it will not happen again on my watch."

Freeh said he also wanted to stress that no blame should be attached to the FBI research analysts who processed requests and forwarded files to the White House.

Freeh said "I agree completely with this finding from the FBI report: '...these employees have in no way failed the FBI...the FBI has surely failed them, and has failed in a larger sense to institute sufficient protections to effectively safeguard the very real privacy interests that we, as custodians of so many people's files, are responsible for protecting.'"

Freeh said that Howard Shapiro, the FBI's Counsel, deserves great credit for conducting a thorough internal inquiry and writing a comprehensive report that pulls no punches.

The report said that "As the events which prompted this inquiry reveal...while we have complied with all applicable law, we have failed to afford sufficient protection to the privacy interests of those whose files we maintain.

"There is, of necessity, a tradeoff between effectively serving the needs of the executive agencies for the prompt provision of reliable information and ensuring the vigilant protection of privacy," the report said.

"In our drive to maximize our productivity and responsiveness to client agencies, we have not been sufficiently attentive to our own responsibilities to safeguard our files against negligent or intentional misuse, nor have we been sufficiently exacting of the executive agencies we serve," the report said.

"We are, in some respects, fortunate that the recent discovery of the egregious violations of privacy which occurred here has focussed our attention upon an operation which has received far too little management or executive oversight," the report said.

The report emphasized that the FBI's inquiry began with the discovery of the Dale file being sent to the White House, and added: "It has subsequently been admitted by the White House that Dale's file was one of many, in excess of four hundred, sought from the FBI and relating to employees, some quite prominent, of previous administrations."

Among other things, the report said, the inquiry on FBI file practices found that "It appears that over time a tradition of considerable deference to the White House has developed."

The report took a close look at White House requests for copies of previous reports in the period from December 6, 1993, to February 3, 1994. During this time, the report said, the Bureau "received no fewer than 481 requests which bear the characteristics of a single series.

"These requests, when parsed out from the normal traffic of requests, arrived in nearly perfect alphabetical order--from Aa to Go--all seeking copies of previous reports and all providing the same justification--'ACCESS (S),' " the report said.

The report said that "We now know that many of these 481 requests, while facially valid, were without justification and served no official purpose. In recognition of this fact, the White House Counsel's Office has voluntarily surrendered to the FBI more than 400 folders containing FBI records since June 6, 1996.

"Folders relating to three hundred and thirty-three individuals were returned on June 6, 1996," the report said. "Apparently, these were folders that had already been segregated and shipped to the White House archives because an employee of OPS [Office of Personnel Security] had determined, over time, that these materials had been inappropriately gathered.

"One file of FBI material was returned separately on Monday, June 10, 1996," the report said. "Another had previously been provided to the IC [Independent Counsel]. In response to a further query from the FBI, folders relating to 71 additional individuals were identified as having been improperly sought and were turned over to the FBI on June 13, 1996.

"...As of June 14, 1996, then, requests relating to 408 individuals have been identified by the White House as having been sought without justification...In addition, the status of an additional seventeen requests has not yet been resolved," the report said.

A copy of the FBI report is attached.

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Office of the General Counsel

Washington, D.C. 20535

June 14, 1996

MEMORANDUM FOR THE DEPUTY ATTORNEY GENERAL

FROM: DIRECTOR, FBI *LJF/Hms*

SUBJECT: THE DISSEMINATION OF FBI FILE INFORMATION TO THE WHITE HOUSE

PURPOSE: To obtain your approval of the attached memorandum which recommends changes in procedures concerning the dissemination of FBI file information to the White House.

TIMETABLE: As soon as possible.

DISCUSSION: This forwards to you a memorandum captioned "The Dissemination of FBI File Information to the White House," dated June 14, 1996, which recommends changes in procedures concerning FBI background investigations to be put into effect immediately upon your approval.

RECOMMENDATION: That you approve the proposed changes in procedures.

Enclosure

APPROVE *J. S. G. [Signature]*

DISAPPROVE \_\_\_\_\_

OTHER \_\_\_\_\_

Memorandum



To : The Director Date 6/14/96

From : H. M. Shapiro *HMS* L. J. McCormick *L*  
General Counsel Inspector

Subject : THE DISSEMINATION OF FBI FILE  
INFORMATION TO THE WHITE HOUSE

As a result of the week we spent examining the process of responding to requests for background information and name checks from the White House and other executive agencies, we recommend that you approve, and forward for the Attorney General's approval, the following changes in procedure:

1. That the form and manner in which White House requests for information from FBI files are made be changed as set forth below. Had these changes been in place, the approximately 400 files improperly obtained would never have been requested or provided.

~~1a. That any request seeking copies of or information distilled from FBI files must be accompanied by either the consent of the person whose files are being reviewed, or by a letter from the Counsel to the President through the Deputy Attorney General to the FBI General Counsel, setting forth a written explanation why such consent cannot be obtained or should not be sought in the circumstances.~~

1b. That all requests by the White House for information from FBI files, which had previously been submitted anonymously under the typed name of the Counsel to the President (in recent administrations) or some other White House official, now require the actual signatures of both the requesting official and of an attorney in the Counsel's Office who will have reviewed and approved all requests prior to their transmittal to the FBI. The requesting official should certify,

Enclosure

Memorandum from H. M. Shapiro/L. J. McCormick to The Director  
Re: The Dissemination of FBI File  
Information to the White House

subject to the criminal penalties for making a false statement, that the information is sought only for official purposes and should be on express notice that unauthorized disclosure of any information obtained may violate the Privacy Act.

1c. That greater specificity be provided regarding the reason for the request (see attached form).

1d. That a copy of each White House request for information from FBI files be provided to the FBI Office of the General Counsel (OGC) for review.

Regardless of the procedures, the FBI record check process remains a necessity for any effective system that accommodates the security and employment functions of the White House. To be effective, the procedures at both ends must complement each other. For these reasons, these recommendations have been coordinated with the White House Counsel's Office, which oversees the White House Office of Personnel Security. That office must implement procedures at the White House that will allow the system to operate given these changes. The Counsel to the President advised that he will be implementing complementary procedural changes. He raised no procedural objection to these changes, and indeed had independently arrived at many of them.

A revised Form incorporating these recommended changes is attached.

2. That a complete indices check be conducted for all White House requests for information from FBI files, including when the request seeks only copies of previous reports. Whenever a record check reveals a pending criminal investigation concerning the subject, dissemination of any information will be halted and notification be made to the Headquarters Supervisor and to FBI OGC. The Headquarters Supervisor and FBI OGC will consult to determine what information could be disseminated without harm to the investigation. The FBI General Counsel will then refer the matter to the Deputy Attorney General in order to determine what if any information should be communicated to the White House Counsel.

3. That written protocols be developed regarding what information from FBI files may be properly disseminated.



Memorandum from H. M. Shapiro/L. J. McCormick to The Director  
Re: The Dissemination of FBI File  
Information to the White House

4. That the FBI's Privacy Act routine use notice be amended, as set forth in the accompanying report, to constrain and better define the boundaries of appropriate routine use disseminations.
5. That appropriate personnel meet with representatives of the White House and the United States Secret Service to better coordinate requests for FBI file information and to reduce the incidence of duplicative requests.
6. That appropriate personnel from the FBI and the White House meet to discuss the retention and archiving of FBI background investigation or name check information by the White House to ensure that appropriate safeguards are in place.
7. That FBI executive management provide greater oversight to the process of responding to White House requests for information from FBI files.
8. That any request to the FBI which results in the provision of copies of or information from FBI files be indexed and maintained for subsequent review and retrieval.
- ~~9. That the data presently purged periodically from the FBI database regarding White House requests be maintained instead in a magnetic medium which will permit more effective review, analysis and audit.~~
10. That the FBI establish a periodic audit procedure, to be conducted by the FBI's Inspection Division, to ensure compliance with these recommendations.

Date \_\_\_\_\_

To: Federal Bureau of Investigation  
Attn: \_\_\_\_\_

From: The White House  
 Office of Personnel Security  
 White House Counsel's Office

Subject's Full Name \_\_\_\_\_

Other names used \_\_\_\_\_

Social Security Number \_\_\_\_\_ Date of Birth \_\_\_\_\_ Place of Birth \_\_\_\_\_

Permanent Address \_\_\_\_\_

Current Employer \_\_\_\_\_

I hereby authorize the FBI to provide the information specified below to the White House.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

Request of FBI (Subject's consent or written explanation from White House Counsel is required for any request seeking copies of, or information from, FBI files.)

- Name/Indices check
- Expanded name check
- Copy of previous report
- Full field investigation  Level 1  Level 2  Level 3
- Limited update investigation
- Other (specify) \_\_\_\_\_

The applicant is being considered for:

- Presidential appointment
- White House employee  detailee  intern  volunteer
- Presidential recognition
- Other (specify) \_\_\_\_\_

Attachments:  SF-86  SF-86 Supplement  SF-87 Fingerprint Card

Remarks/special instructions: \_\_\_\_\_

I certify, subject to 18 U.S.C. Section 1001, that the above is sought for official purposes only and I understand that any unauthorized disclosure may be a violation of the Privacy Act, 5 U.S.C. Section 552a.

Requested by: \_\_\_\_\_

This request has been reviewed and approved by the White House Counsel's Office.

Approved by: \_\_\_\_\_

White House Counsel's Office

- 1 - Original - To FBI
- 2 - Yellow - To FBI (Office of the General Counsel)
- 3 - Pink - To FBI (Return to White House)
- 4 - Blue - White House Copy