

eral positions at several different agencies.²⁰¹ His plans came to a halt when the White House received his FBI background file and informed him that there were problems in his background which would prevent his detail from being renewed and prevent him from receiving a Presidential appointment.²⁰²

Mr. Marceca continued working in the Office of Personnel Security until his original 6-month detail ended in February 1994. Although he received a hard pass and had full access to the White House, his background investigation was not completed until December 1993 and he was never cleared by the Secret Service for a permanent pass. Along the way, his daughter also joined the White House, apparently assisting in the Office of Presidential Personnel.²⁰³ His son, Nathan, obtained a White House job as a "gift analyst" in the winter of 1995.²⁰⁴

After leaving the White House, Marceca remained in contact with both Livingstone and the White House. He volunteered to answer phone calls from the "comments line" following the President's addresses to the Nation. Mr. Marceca retained a White House volunteer pass until May 1995 and remained on a volunteer access list until June 21, 1996, several weeks after the discovery of the FBI files and Marceca's role became known.²⁰⁵ According to phone messages he left for Livingstone, Marceca also appears to have worked on several Presidential and Cabinet level advance trips between 1994 and 1996.²⁰⁶

Anthony Marceca is far from the low-level clerk the White House has claimed. He and Craig Livingstone worked together as a political "team" since 1984 and continued their partnership up to the present. Given the backgrounds of both Livingstone and Marceca, it is astonishing that the Clinton administration would put these two individuals in the sensitive office of Personnel Security with access to the FBI file of any person who has ever had a background investigation.

B. MARCECA PARLAYS HIS POLITICAL BACKGROUND WITH CRAIG LIVINGSTONE INTO A WHITE HOUSE POSITION

Anthony Marceca testified that he met Craig Livingstone while they were both doing advance work for the Gary Hart campaign in 1984.²⁰⁷ The two had become friends and discovered that they

²⁰¹ Marceca document (unnumbered) calendar of Anthony Marceca dated December 27, 1993; January 7, 1994; January 14, 1994; February 2, 1994; February 3, 1994; February 7, 1994; February 8, 1994; February 25, 1994; and, March 2, 1994.

²⁰² Kennedy deposition, June 18, 1996, p. 41; Livingstone deposition, June 14, 1996, p. 60.

²⁰³ Marceca documents (unnumbered). Calendar of Anthony Marceca dated January 20, 1994: "Andrea's first day in Presidential Personnel." It is not clear what his daughter was doing for the office. There was an FBI name check run on her; however, she did not have a White House pass.

²⁰⁴ Committee interview of Jonathan Denbo, September 4, 1996, p. 17. Mr. Denbo explained that he met Nathan Marceca when he came in to OPS to fill out his new employee paperwork. Mr. Livingstone told Denbo that Nathan was Tony Marceca's son.

²⁰⁵ Easley deposition, p. 57. Mr. Easley, who replaced Craig Livingstone, stated, "I learned that Mr. Marceca had a temporary volunteer pass that was deactivated May 1995, and since then he has been on the volunteer access list." Mr. Easley removed Marceca's name from the access list on June 21, 1996, after the Secret Service notified him of the name.

²⁰⁶ White House documents CGE 054248-54275. (The committee did not receive any notice of the contact between the White House and Marceca until a document production on the evening of September 5, 1996. The White House documents had been subpoenaed by the committee and were over 2 weeks late in being produced.)

²⁰⁷ Marceca deposition, p. 24.

worked well together.²⁰⁸ Messrs. Livingstone and Marceca formed an "advance team" where Livingstone would handle the public relations end of the advance work and Marceca would handle the logistics end.²⁰⁹ Dennis Casey, a political consultant from Pennsylvania, who worked for the Hart campaign in 1984, remembered Livingstone and Marceca.²¹⁰ Casey testified that, during a campaign meeting, Livingstone was present and reported on "peccadilloes and vulnerabilities of labor leaders and prominent public officials in hopes of neutralizing them or getting their support switched from Mondale to Hart."²¹¹ Mr. Casey testified that he informed Livingstone that he felt the gathering of such information could hurt the campaign and directed him to stop that type of work.²¹² Mr. Livingstone disagreed with Casey and angrily left the room.²¹³

Mr. Casey recalled that he met Marceca at that time as well. Mr. Marceca spoke with Casey about the information Livingstone gathered and told Casey that it was time to "play hardball with the dirt Mr. Livingstone had gathered."²¹⁴ After an incident in which Marceca took \$200 from the campaign petty cash, Casey called the Washington campaign office of Gary Hart and notified the office that Marceca should not be allowed back.²¹⁵

The team of Livingstone and Marceca worked on several other campaigns. After the Hart campaign in 1984, they both moved on to the Mondale campaign. Mr. Marceca stated that the management of the Mondale campaign knew both him and Livingstone and kept them together as a team.²¹⁶ In 1986 the two were asked to work advance for the Hart for President announcement in Colorado.²¹⁷ Both Marceca and Livingstone accepted the invitation and worked on advance with the campaign until Hart dropped out of the race.²¹⁸ In 1987, Livingstone asked Marceca to work with him on Al Gore's announcement.²¹⁹ Mr. Marceca agreed and worked several advance trips with Livingstone for the Gore Campaign.²²⁰

Mr. Livingstone contacted Marceca on election night in 1992. Now that Clinton had won the election, Livingstone was attempting to get the position of Director of Security for the Presidential Inaugural Committee (PIC).²²¹ Mr. Livingstone contacted Marceca approximately 1 week later and asked him to stop by the Old Navy Yard, which was PIC Headquarters. When Marceca arrived at the Navy Yard, Livingstone told him that he had gotten the job as Director of Security for PIC and asked Marceca to work at PIC as the

²⁰⁸ *Id.*

²⁰⁹ *Id.*

²¹⁰ See, committee deposition of Dennis Casey, June 20, 1996.

²¹¹ *Id.*, p. 6.

²¹² *Id.*

²¹³ *Id.*

²¹⁴ *Id.*

²¹⁵ *Id.*, pp. 7-8. Mr. Casey explained that Marceca had entered his office and taken the \$200. When Casey approached him the next day, Marceca explained that he needed the cash to get handbills printed and distributed. Mr. Marceca also explained that he needed the money to "pay community children or urchins to distribute the fliers door-to-door." After Casey called the Washington office to inform them of Marceca's actions, Marceca contacted Casey and said, "you guys got me good, right between the eyes."

²¹⁶ Marceca deposition, June 18, 1996, pp. 25-26.

²¹⁷ *Id.*, p. 27.

²¹⁸ *Id.*, p. 29.

²¹⁹ *Id.*, p. 30.

²²⁰ *Id.*

²²¹ *Id.*, p. 34.

Security Coordinator.²²² Mr. Marceca accepted the offer and took the position on a volunteer basis, taking time off from his Army CID position. According to Marceca, he worked directly under Livingstone planning the security aspect of access to Inaugural events.²²³ Mr. Marceca spent the day of the Inaugural in the "command post," the Navy building, "coordinating movements."²²⁴ After the Inauguration was over, Marceca went back to his job at Army CID.

Craig Livingstone did not have such a clear recall of his work with Anthony Marceca. Although Livingstone stated that he did meet Marceca in 1984 while working advance on the Hart campaign, his recollection was that he worked with Marceca only "on occasion."²²⁵ When asked in a deposition whether he knew of any other campaigns Marceca worked on, Livingstone stated that he knew that Marceca had worked on the Hill and he had a "vague recollection" that Marceca may have assisted at the Inaugural.²²⁶ There is a direct conflict between Livingstone and Marceca's testimony. Clearly, Marceca testified that Livingstone asked Marceca to work with him on PIC, yet he has no recollection of it. The two worked closely together. Marceca explained that he worked at PIC for at least 40 days up to and including the day of the Inaugural.²²⁷

1. Marceca's quest for a detail to the White House

Livingstone took a position with the White House Office of Personnel Security on February 8, 1993. Sometime after Livingstone began working at the White House, Marceca contacted Livingstone to inquire about the possibility of a detail to the National Security Council at the White House.²²⁸ Mr. Livingstone checked on the National Security Council detail and reported back to Marceca that he did not think it was possible.²²⁹ According to Marceca, Livingstone explained that there was a possibility of an opening for a clerical type position in his office, OPS.²³⁰ In March 1993, Livingstone contacted Marceca and told Marceca that he had gotten permission to bring in someone to assist in the office. He described the position as a clerical-type position, "going over people's background reports and making files and collating information, and it . . . did not involve investigations."²³¹ Livingstone asked Marceca to send him a resume at that time. In a deposition before the committee, Livingstone recalled that Marceca had told Livingstone that he wanted to work at the White House. Messrs. Livingstone and Marceca discussed general ways that Marceca might be available to assist the Office of Personnel Security.²³²

²²² *Id.*, p. 35.

²²³ *Id.*

²²⁴ *Id.*, p. 39.

²²⁵ Livingstone deposition, June 14, 1996, p. 22.

²²⁶ *Id.*

²²⁷ Marceca deposition, June 18, 1996, p. 36.

²²⁸ *Id.*, p. 41.

²²⁹ *Id.*

²³⁰ *Id.*, p. 42.

²³¹ *Id.*, p. 43.

²³² Livingstone deposition, June 14, 1996, pp. 24-26.

2. *The White House requests Marceca*

Mr. Livingstone presented the idea of Marceca's detail to Associate White House Counsel William Kennedy.²³³ Mr. Marceca had interviews scheduled with Kennedy on March 18 and 24, 1993.²³⁴ After interviewing Marceca, Kennedy wrote to Secretary of Defense Les Aspin on April 5, 1993 to request the detailing of Anthony Marceca. The detail was to be on a non-reimbursable basis, to OPS, beginning on April 12, 1993.²³⁵ Mr. Kennedy stated in the letter, "I have learned of Agent Marceca's unique investigative abilities and background and would greatly appreciate his full-time assistance here."²³⁶ The following day Kennedy received a reply from David C. Allen, the Director of Marceca's unit at the Army CID.²³⁷ Mr. Allen recommended Marceca for the detail, stating, "Mr. Marceca is always the master of every situation," and "[he] is a sound and logical thinker, capable of handling any number of critical and sensitive missions at one time."²³⁸ In his letter to Kennedy, Allen warned Kennedy not to be dissuaded if the military leadership of CID objected to the detail of Anthony Marceca. He further stated his readiness "to discuss, in great detail, the high regard I have for Mr. Marceca both professionally and personally."²³⁹ On the same day, April 6, 1993, Kennedy called Marceca.²⁴⁰

The letter which was sent to Secretary of Defense Les Aspin on April 5, 1993 requesting the detail of Marceca was then re-sent on April 13, 1993. The text of the letter is the same, however the date had been changed.²⁴¹ The next correspondence in the attempt to get Marceca detailed was on June 22, 1993. In that letter Kennedy wrote to Colonel Michael Sheffield, Executive Secretary to the Secretary of Defense.²⁴² In this letter he states that Craig Livingstone had requested that Special Agent Marceca be detailed to the Office of Personnel Security (OPS).²⁴³ Mr. Kennedy also notes that Marceca's experience in reviewing and screening potential candidates would be invaluable to OPS in completing its ongoing review of military personnel assigned to the White House, as well as providing personnel services related to security for the staff of the Executive Office of the President.²⁴⁴

Mr. Marceca's detail was ultimately approved on August 5, 1993, by Deputy Assistant Secretary of Defense, Lieutenant General Robert M. Alexander in a memorandum to William Kennedy.²⁴⁵ On August 9, 1993 Marceca went to the White House and received his hard pass giving him access to the White House, although he did not begin his detail at the White House until August 18, 1993.²⁴⁶

²³³ *Id.*, p. 25.

²³⁴ Anthony Marceca document (unnumbered). Calendar of Anthony Marceca, dated March 18, 1993; March 24, 1993.

²³⁵ White House document CGE 043823.

²³⁶ *Id.*

²³⁷ White House document CGE 043821.

²³⁸ *Id.*

²³⁹ *Id.*

²⁴⁰ Anthony Marceca document (unnumbered). Calendar of Anthony Marceca, dated April 6, 1993.

²⁴¹ White House document CGE 043816.

²⁴² White House document CGE 043819.

²⁴³ *Id.*

²⁴⁴ *Id.*

²⁴⁵ White House document CGE 043822.

²⁴⁶ White House document CGE 043818. Detail authorization form for Anthony Marceca.

3. Marceca has access to the White House before his detail

According to White House records, Marceca was placed on "access lists" by Livingstone beginning as early as March 24, 1993.²⁴⁷ White House Access lists allow an individual to enter the White House without appointment for the period of time that they are on the list.²⁴⁸ Individuals who enter via an access list, simply check in at any entry post, produce positive identification and are granted a pass to enter the complex.²⁴⁹ Mr. Marceca was placed on access lists by Craig Livingstone and granted continuous access to the White House complex from March 24 through July 31, 1993.²⁵⁰

The Secret Service places individuals on an access list based on a request from the Office of Personnel Security.²⁵¹ Because Marceca was on an access list, he could have entered and exited the White House at any time throughout the 4 month period before his detail began and there would be no record of it.²⁵²

The White House's attempts to get Marceca detailed to the Office of Personnel Security lasted 5 months and involved several attempts. Mr. Kennedy testified that he was told by Livingstone that the office could use Marceca's expertise in dealing with the numerous members of the military that have access to the White House.²⁵³ Despite all of Kennedy's efforts, he has a vague recollection of the complications of obtaining Marceca or even the outstanding qualifications that Marceca ostensibly possessed.²⁵⁴ Mr. Marceca, however, spent the majority of his time sifting through SF-86's for errors and working on the Update Project. It appears that a great amount of time was spent in getting a friend of Livingstone's detailed at the Army's expense. Why was it so important to detail Tony Marceca to the White House?

C. MARCECA'S INTRODUCTION TO THE WHITE HOUSE OFFICE OF PERSONNEL SECURITY

1. Introduction

The Clinton administration had problems getting through the paperwork necessary to obtain permanent White House passes for its staffers during the first year and a half of the administration.²⁵⁵ One of the problems was a backlog in the processing of the SF-86 forms, which had been filled out by new White House staff members. The SF-86 is a questionnaire which calls for sensitive and personal information from the appointee. Former White House Counsel A.B. Culvahouse described the form as "designed to affirmatively encourage the furnishing of adverse or derogatory information."²⁵⁶ Each SF-86 was reviewed for errors and completeness. In previous administrations, only the Counsel to the President, his

²⁴⁷ White House document CGE 047382-3. White House access list.

²⁴⁸ *Security of FBI Files* hearings, July 17, 1996, p. 148.

²⁴⁹ *Id.*, p. 147.

²⁵⁰ White House document CGE 047382-047631.

²⁵¹ Cerf deposition, August 12, 1996, p. 41.

²⁵² *Security of FBI Files* hearing, July 17, 1996, p. 149.

²⁵³ *Security of FBI Files* hearing, June 26, 1996, p. 129.

²⁵⁴ Kennedy deposition, June 18, 1996, pp. 38-44.

²⁵⁵ See generally GAO report on "Personnel Security: Pass & Security Clearance Data for the Executive Office of the President," October 1995.

²⁵⁶ *Security of FBI Files* hearing, June 19, 1996, p. 32.

deputy and the director of the Security Office would review the SF-86's.²⁵⁷

Once checked, the SF-86 would be sent to the FBI to begin the process of a background investigation. Anthony Marceca, a temporary detailee, took responsibility for this project when he began working at OPS. Mr. Marceca testified that the first day he began to work in OPS, the backlog of SF-86 forms was piled up on his desk in a stack 2½ feet high.²⁵⁸

Although Marceca began working in the White House on August 18, 1993, prior to that, on August 9th, he went to the White House to get his pass and to discuss what his duties would be.²⁵⁹ According to Marceca, he met with Nancy Gemmell, Lisa Wetzl and Craig Livingstone.²⁶⁰ Mr. Marceca stated that at that meeting Nancy Gemmell explained to him the procedures to follow for the duties he would be performing while working with OPS.²⁶¹ Ms. Gemmell was a holdover employee who had worked in OPS since 1981, the beginning of the Reagan administration.²⁶²

During that meeting Marceca took notes of what he was told.²⁶³ Mr. Marceca stated that Nancy Gemmell showed him the procedures he should follow in completing the "Update Project" as well as other duties he was expected to perform.²⁶⁴ However when asked whether she personally gave Marceca the Secret Service list to continue the Update Project, Gemmell stated, "[N]o sir; I had no idea who would be assuming that responsibility."²⁶⁵ Ms. Gemmell did leave behind a written sheet of instructions which he would be able to refer to after she left.²⁶⁶

2. Discrepancies in Marceca's testimony

In stark contrast to his testimony before the committee that he thought everyone on the "update list" was in need of access to the White House complex, his handwritten notes make it clear that he was aware that OPS was responsible for taking former White House employees off of the lists. He wrote: "De-activate (sic) former staff . . ."²⁶⁷ Mr. Livingstone, Marceca's supervisor, also was aware that it was the White House's responsibility to inform the Secret Service who to take off of their lists of active pass holders. In a March 1993 memorandum to Associate Counsel Bill Kennedy, Livingstone wrote:

Please note that there are many Bush Administration employees that still have active badges. USSS [U.S. Secret Service] informs me that it is WHS [White House Staff] responsibility to deactivate badges. I am working with

²⁵⁷ *Id.*, p. 46.

²⁵⁸ Marceca deposition, p. 83.

²⁵⁹ *Id.*, p. 50.

²⁶⁰ *Id.*, p. 153.

²⁶¹ *Id.*

²⁶² *Security of FBI Files* hearing, June 19, 1996, pp. 38-39. Mrs. Gemmell stayed on in the Clinton administration until August 13, 1993 to assist in training the new staff.

²⁶³ Anthony Marceca document (unnumbered). Handwritten notes of Anthony Marceca dated August 9, 1993.

²⁶⁴ Marceca deposition, p. 61.

²⁶⁵ *Security of FBI Files* hearing, June 19, 1996 p. 90.

²⁶⁶ *Id.*

²⁶⁷ Marceca document production (unnumbered). Handwritten notes dated August 9, 1993.