

[whose FBI background files the White House obtained improperly] the Secret Service set out to determine if, in fact, we had provided ANY LIST which would have inaccurately reflected any or all of these 476 names as ACTIVE passholders in 1993 or 1994.”⁵⁵⁹ And because, according to Libonati, [t]he Secret Service has for many years provided printouts containing passholder information to the White House Office of Personnel Security,” Libonati characterized the issue before the Secret Service in the following manner: “Did the Secret Service produce and/or provide any list or lists which would have inaccurately reflected these 476 individuals as ACTIVE passholders?” Libonati presented to the committee evidence uncovered by the Secret Service search and audit of their files, which clearly demonstrated that the Secret Service could not have provided such a list.⁵⁶⁰

The Secret Service conducted an exhaustive audit of its records. Libonati told the committee, “The audit confirms that from 1984 to July of 1993, 379 of the 476 names on the subject list were made Inactive. We can account for 8 errors . . .”⁵⁶¹ Names were made inactive only at the request of the White House. However, many of the names mentioned above were entered into the E-Pass system when it was installed, and they were entered as Inactive. Thus, at no time were many of the names on the list of 476 in the E-Pass system as active passholders.

Libonati recounted before the committee the evidence uncovered by the Secret Service in their search for lists produced by the E-Pass system at certain times. According to Libonati, the evidence showed:

- Ninety-four of the names of the 476 on the list were inactivated between 1984 and 1989, before we installed our current E-Pass system.⁵⁶²
- In a printout of inactive passholders, the evidence shows that “182 of the 476 names in question appear as they should on this inactive printout.”⁵⁶³
- In a printout of active passholders from May 2, 1994, “368 of the 476 names in question do not appear on this list, and they should not appear on this list. This is an active passholder list.”⁵⁶⁴
- In a printout of active passholders as of July 31, 1993, “379 of the 476 names in question do not appear on this list.”⁵⁶⁵
- In a printout of inactive passholders as of August 19, 1994, 429 of the 476 names in question do and should appear on this inactive list.”⁵⁶⁶
- In a March 31, 1993 active passholder list provided to the committee by the White House, 408 of the 476 names are not on the list. In addition, the name of Elizabeth Belfore was not on the March 31, 1993 list, but is among the 476 people whose

⁵⁵⁹ *Id.*, p. 25. (Emphasis in original.)

⁵⁶⁰ *Id.*, pp. 24-41.

⁵⁶¹ *Id.*, p. 25.

⁵⁶² *Id.*, pp. 33-34.

⁵⁶³ *Id.*, p. 34.

⁵⁶⁴ *Id.*, p. 34.

⁵⁶⁵ *Id.*, p. 35.

⁵⁶⁶ *Id.*

background files were requested by the White House. Belfore did not receive a pass until after July 8, 1993.⁵⁶⁷

The data compiled by the Secret Service clearly demonstrated that the only way Marceca could have obtained all of the names he sought files on would have been by utilizing a master list with both "Active" and "Inactive" employees, with the notations "A" and "I" clearly indicated on the printout. In using the master list, Marceca would have had to deliberately order the files of hundreds of individuals identified as "Inactive." Agent Cole testified that he briefed Marceca's supervisor, Livingstone, on the "Active" and "Inactive" list notations:

Question. You would have meetings where you instructed—I believe you testified you instructed Craig Livingstone on procedures and how to get material from your office and get updated lists, that type of thing?

Answer. Yes, we have had conversations about that.

Question. In terms of reading the lists, what "A" and "I" meant, active and inactive; that kind of thing had been explained to Mr. Livingstone?

Answer. Yes.⁵⁶⁸

Marceca has testified that he believed the designations, "A" and "I" on the Secret Service lists meant "Access" and "Intern."⁵⁶⁹ To believe this story, one would have to accept that Marceca, whose involvement in political campaigns is extensive, believed that such well known former White House officials as James Baker, A.B. Culvahouse, Ken Duberstein and many others were "holdover interns," a category of passholders which does not exist.

Another fact uncovered by the Secret Service discredits Marceca's explanation that he was working with an old, or outdated list. One of the names on the list of files he obtained, Elizabeth Belfore, did not begin working at the White House until July 1993. Thus, any list Marceca worked from which included her name was created after this date. Since Marceca did not begin working at the White House until August 1993, it is apparent that he must have used a list created during that time period. A list made at that time would not have included most of the names of individuals whose files were eventually requisitioned by the White House.

E. DEACTIVATION

At hearings before the committee, committee members questioned why some former administration employees remained as active passholders in the Secret Service E-Pass System. Libonati and Cole explained that it is the responsibility of the White House to inform the Secret Service when an employee's status should change from active to inactive.

Libonati made the process of deactivation of passes clear in his opening statement:

A pass is also made inactive solely at the request of the White House. It is the responsibility of each adminis-

⁵⁶⁷ *Id.*, pp. 35-36.

⁵⁶⁸ Cole deposition, pp. 47-48.

⁵⁶⁹ *Security of the FBI Files* hearing, July 26, 1996.

tration to identify those pass holders whom they wish to remove from the active passholder list. Regardless of how obvious it may seem to anyone in the Secret Service, we cannot, should not, and do not inactivate a pass without clear instruction from the administration.⁵⁷⁰

After Libonati's explanation, Congresswoman Collins, the ranking minority member of the committee, was still confused about the process used to deactivate a pass.

Mrs. COLLINS OF ILLINOIS. Could you explain to me why Senator Tower, who had died 2 years earlier in a plane crash, still had an active White House pass in '93?

Mr. COLE. Because [the May 27, 1993 memorandum] was the first notice we got from the White House to deactivate his pass.

Mrs. COLLINS. Did you know he had died?

Mr. COLE. I wasn't aware of the fact that he had a White House Pass, Ma'am.

Mrs. COLLINS. Did you know he had died?

Mr. COLE. Yes.

Mrs. COLLINS. Does anybody ever cull the lists to take out people who are deceased?

Mr. COLE. The requirement for deactivation of passes that is the same requirement that took place for Vincent Foster, that we would have to have someone from the White House to tell us to deactivate it. It is obvious that person would not pose a threat to the complex, because they are deceased.

Mrs. COLLINS. Why would you have to have somebody tell you to deactivate a file of somebody that the Service knows is not going to use it?

Mr. COLE. Because that documentation belongs to the White House.

Although White House staff feigned ignorance of it, the process of deactivation of passes for deceased or retiring personnel was well known to the White House Security Office. The fact that Livingstone made the request that the Secret Service deactivate Senator Tower's pass establishes his knowledge of the process of updating the Secret Service access list as a White House responsibility.⁵⁷¹ Other evidence points to the fact that Livingstone was well acquainted with the process of removing Bush administration officials from Secret Service access lists.

In a confidential memorandum from Craig Livingstone to William Kennedy, Livingstone notes, "Please note that there are many Bush administration employees that still have active badges. USSS informs me that it is WHS responsibility to deactivate badges. I am working with WHOMA to begin this process." Because of informa-

⁵⁷⁰ *Id.*, p. 27. (Emphasis added.)

⁵⁷¹ Memorandum from Craig Livingstone, Director of White House Security; Re: deactivation of Senator Tower; May 27, 1993. "Please deactivate the pass issued to Senator Tower." CGE 047989.

tion contained in the memorandum, its date appears to be between March 4, 1993 and March 15, 1993.⁵⁷²

Documents dated August 9, 1993 include notes made by Marceca from a meeting with Nancy Gemmell that included Lisa Wetzl and Craig Livingstone. In those notes, Marceca writes, "De-Activate former staff FBI contact to remove STOP on [illegible]." ⁵⁷³ The White House staff was clearly familiar with the process of updating Secret Service lists and the language associated with it.

In addition to the notes and memoranda of Livingstone and Marceca, testimony before the committee also points to the fact that the staff of the White House Security Office was aware of the process for deactivating White House passholders. In his deposition to the committee, Agent Cole stated that he briefed Livingstone on such matters.

Livingstone and Marceca knew the process of deactivating White House access passes was a primary function of their jobs, and they were fully briefed on the process required to do that. Nonetheless, they tried to blame the Secret Service for their malfeasance. Because of their attempts to shift the blame, the Secret Service was forced to spend countless hours and resources responding to inquiries and allegations. The only logical conclusion to the audits conducted, was that no active Secret Service list could have produced the list of names of those whose FBI files were wrongfully requested by the White House.

IX. WHITE HOUSE PASSES AND SECURITY ISSUES

A. LAX WHITE HOUSE SECURITY PROCEDURES WERE A PRECURSOR TO FBI FILES ISSUE

1. Problems with White House passes

The gathering of hundreds of FBI files was a consequence of the White House placing highly unsuitable personnel and supervisors in charge of the Security processes at the White House. The fact that the Clinton White House followed lax security procedures and was negligent in obtaining White House passes became apparent over 2 years ago, in March 1994, after lengthy congressional inquiries.

A GAO inquiry into the delays in obtaining White House passes was requested by Chairman Clinger, and Representatives Frank Wolf and Porter Goss in March 1994, and released in October 1995. The GAO report outlined the unprecedented delays of the Clinton White House in obtaining passes.⁵⁷⁴ In keeping with the Clinton administration's pattern of resistance to investigations, the GAO

⁵⁷² Confidential memorandum from Craig Livingstone, Chief of White House Security, to William Kennedy, Associate White House Counsel, undated. Within the memorandum, Livingstone refers to a crash of the WAVE computer system occurring on March 4, 1993. Livingstone refers to the date on which "green/tan access badge[s]" will expire as March 15, 1993. From this information, the committee believes the date of this memorandum to be between March 4, 1993 and March 15, 1993.

⁵⁷³ Anthony Marceca, notes from meeting with Nancy Gemmell, August 9, 1993.

⁵⁷⁴ GAO report to Congress, "Personnel Security: Pass and Security Clearance Data for the Executive Office of the President," October 19, 1995.

inquiry examining the delays in obtaining the passes was met with numerous obstacles for over a year.⁵⁷⁵

When the GAO inquiry finally concluded, it reported the following findings:

- A mere two permanent passes received final approval prior to September 20, 1993—9 months into the new administration.⁵⁷⁶ (In the past, permanent White House passes were obtained for all staff by approximately 6 to 9 months into a new administration.⁵⁷⁷)
- In 1993, new Clinton White House staffers held temporary passes for an average of 341 days, thus requiring numerous renewals. (A temporary pass is usually issued for 90 days.)⁵⁷⁸
- In 1993, the Secret Service stated that it routinely granted eight or more extensions to individuals for temporary passes as requested by the Executive Office of the President.⁵⁷⁹
- There were 190 new Clinton White House staffers who took more than 100 days to complete the SF-86—the basic paperwork needed for the FBI to initiate a background investigation.⁵⁸⁰
- There were 36 new Clinton White House staffers who took over 300 days—almost a year—to complete their SF-86s.⁵⁸¹
- Of the 400 staff entering on duty during 1993, 250 took over 300 days to be approved for permanent passes.⁵⁸²
- In 1993, 361 of 398 individuals took 200 days or more to be approved for a permanent pass.⁵⁸³
- Only about two dozen staffers had “interim clearances” according to the White House in the first 8 months of the administration.⁵⁸⁴
- Individuals entering on duty during 1993 received final approval for permanent White House passes “an average of 346 days from their start date.”⁵⁸⁵
- “The longer time needed to process 1993 entrants was primarily attributable to the time individuals took to complete the SF-86 and to subsequent actions taken by the Executive Office of the President.”⁵⁸⁶

When White House advisor George Stephanopoulos was questioned about the problems with obtaining passes during “This Week with David Brinkley,” on June 30, 1996, he erroneously claimed:

STEPHANOPOULOS. Well most people did go get their interviews. Most people got their passes. If there was slip-page, that was a mistake. It was wrong.

⁵⁷⁵ The GAO inquiry which was requested in March 1994 was still stalled in October 1994 when Chairman Clinger, Representative Wolf and Representative Goss wrote to White House Chief of Staff Leon Panetta on October 7, 1994 concerned about the delay in the investigation.

⁵⁷⁶ GAO report, p. 21.

⁵⁷⁷ Staff interview with Jane Dannenhauer.

⁵⁷⁸ GAO report, p. 28.

⁵⁷⁹ GAO report, p. 29.

⁵⁸⁰ GAO report, p. 22.

⁵⁸¹ GAO report, p. 22.

⁵⁸² GAO report, p. 21.

⁵⁸³ GAO report, p. 29.

⁵⁸⁴ GAO report, p. 34.

⁵⁸⁵ GAO report, p. 3.

⁵⁸⁶ *Id.*

SAM DONALDSON. Aldrich [FBI agent Gary Aldrich] says hundreds.

STEPHANOPOULOS. Well, I'm not sure that's true . . . I don't have the exact number.

According to a White House memo from Craig Livingstone, Stephanopoulos' temporary pass was renewed for an additional 90 days on December 13, 1993.⁵⁸⁷ Stephanopoulos, like most of the White House staff at that time, had numerous renewals of his temporary pass.

The GAO inquiry was preceded by months of congressional inquiries into the inordinate delay in obtaining White House passes.⁵⁸⁸ Senior officials, including the then-Chief of Staff Mack McLarty, did not obtain permanent passes until March 1994. Once this serious security breach of the Clinton administration was brought to light in March 1994, the White House was forced to respond.

The press began reporting on the delays in the issuance of permanent White House passes in early 1994. On March 10, 1994, the Wall Street Journal first pointed out that the White House had not approved passes for senior White House officials such as the Director of the Office of Administration, Patsy Thomasson.⁵⁸⁹ This article appears to have generated a memo from Associate Counsel William Kennedy to Mack McLarty explaining the procedures to receive a permanent pass.⁵⁹⁰ The next day the Washington Post reported that, "15 White House aides, including press secretary Dee Dee Myers and another unidentified senior official, have yet to receive security clearances because they failed to complete necessary paperwork . . ."⁵⁹¹

By March 12, 1994, the White House conceded that the situation was actually much worse than it originally admitted and that hundreds of staff did not have permanent passes: "White House Press Secretary Dee Dee Myers . . . confirmed that about a third of the 1044 employees designated as White House staff, including herself, have not received their permanent passes."⁵⁹² Of the 125 senior staff, approximately one-third still did not have their permanent passes.⁵⁹³ By March 14, 1994, the White House raised the number of officials who did not have security clearances to 100 rather than the 15 individuals originally reported.⁵⁹⁴ Clearly, the responses provided to Congress by McLarty were misleading, incomplete and inaccurate.⁵⁹⁵

⁵⁸⁷ White House production CGE 047029. Memorandum for U.S. Secret Service Pass Section from White House Security, Re: extension of passes, December 13, 1993.

⁵⁸⁸ Representative Frank Wolf began inquiring about the delays in White House passes and the lack of procedures being followed with passes in July 1993. Throughout the fall of 1993 and into 1994, then-Chief of Staff Mack McLarty assured Wolf that clearances were being handled "in a timely manner."

⁵⁸⁹ "Who is Patsy Thomasson?" Wall Street Journal, March 10, 1994.

⁵⁹⁰ Memorandum to Thomas F. McLarty from William H. Kennedy III, re: procedures to receive a permanent pass, March 10, 1994, CGE 054752.

⁵⁹¹ "After Year, 15 White House Aides Have Yet to Receive Security Clearances," the Washington Post, March 11, 1994.

⁵⁹² "White House lags badly on background checks," the Washington Times, March 12, 1994.

⁵⁹³ *Id.*

⁵⁹⁴ "100 on White House Staff Lack Clearance," the Washington Post, March 14, 1994.

⁵⁹⁵ See letters to Rep. Frank Wolf from Mack McLarty dated August 19, 1993, October 27, 1993 and February 24, 1994.