

Honorable John L. M.
Chairman, Subcommittee on Civil Service
House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This is in response to your recent letter regarding the release of information pertaining to Ms. Linda Tripp.

I share your concern regarding the release of information about Ms. Tripp to *The New Yorker* magazine. The Inspector General has initiated an inquiry concerning the disclosure of Privacy Act Information from Ms. Tripp's official files.

The following information is provided in response to the numbered questions in your letter.

- 1. On March 13, 1998, (approximately noon), Mr. Clifford Bernath, Assistant Secretary of Defense Public Affairs (ASDPA) called the Chief, Office of Freedom of Information Act/Privacy Act (FOIA/PA), Defense Security Service (DSS) and requested some information contained on Ms. Linda R. Tripp's prior DD Form 398 "Personnel Security Questionnaire." Specifically, how she answered a certain question regarding arrests/convictions. The Chief, FOIA/PA informed Mr. Bernath that Defense Security Service files were located in Baltimore and would have to be*

located. He was asked if he had Ms. Tripp's Social Security Number (SSN) to help the DSS records custodian locate her file. Mr. Bernath provided Ms. Tripp's SSN and was informed by the FOIA/PA Chief that DSS would get back to him when we located the information. After informing the DSS General Counsel of the request and verifying Mr. Bernath's title and location, the DSS FOIA/PA Chief contacted the Chief, DSS Privacy Branch in Baltimore and requested he obtain from files division a copy of Ms. Tripp's DD Form 398 and fax it to DSS Headquarters. After approximately 30 minutes had elapsed, Mr. Bernath again called the DSS FOIA/PA Chief to see if the record had been located. The Chief informed him that DSS files division was in the process of searching for her file and asked him if he needed it by a certain time. He indicated he had a Secretary of Defense (SecDef) meeting in an hour so wished the information as soon as possible. Mr. Bernath was informed that there are several million records on file in microfiche and that it would take time to locate, review and make a paper copy of the information and that DSS would notify him as soon as we received the information. Upon receipt of the DD Form 398 (not the investigative file) from Baltimore, the FOIA/PA Chief, contacted Mr. Bernath and informed him DSS had the information he wanted and asked if he was requesting this information in an official capacity. Mr. Bernath assured the FOIA/PA Chief, that the request was for official business. Mr. Bernath was advised that in accordance with DSS accountability requirements, DSS would be making a full accounting of this disclosure/release to him. At 13:56 the Chief, Office of FOIA/PA faxed over a copy of Ms. Tripp's DD Form 398 (3 pages) to Mr. Bernath. Mr. Bernath did not ask for nor receive Ms. Tripp's DSS Report of Investigation (ROI).

Question 1. Please describe in detail how Mr. Bernath obtained access to the Tripp file?

Answer: On March 13, 1998 (approx. noon), Mr. Clifford Bernath (ASDPA) called the Chief, Office of FOIA and Privacy, Defense Security Service, and requested some information contained on Ms. Linda R. Tripp's prior DD Form 398 "Personnel Security Questionnaire." Specifically, how she answered a certain question regarding arrests/convictions. The Chief, Office of FOIA/PA informed Mr. Bernath that DSS files were located in Baltimore and would have to be located. He was asked if he had Ms. Tripp's SSN to help the DSS records custodian locate her file. Mr. Bernath provided Ms. Tripp's SSN and was informed by the FOIA/PA Chief that DSS would get back to him when we located the information. After informing the DSS General Counsel of the request and verifying Mr. Bernath's title and location, the DSS FOIA/PA Chief contacted the Chief, DSS Privacy Branch in Baltimore and requested he obtain from files division a copy of Ms. Tripp's DD Form 398 and fax it to DSSHQ. After approximately 30 minutes had elapsed, Mr. Bernath again called the DSS FOIA/PA Chief to see if the record had been located. He was informed by the Chief that DSS files division was in the process of searching for her file and did he need it by a certain time. He indicated he had a SecDef meeting in an hour so wished the information as soon as possible. Mr. Bernath was informed that there are several million records on file in microfiche and that it takes time to locate, review and make a paper copy of the information and DSS would notify him as soon as we received the information. Upon receipt of the DD Form 398 (not the investigative file) from Baltimore, the FOIA/PA Chief, contacted Mr. Bernath and informed him DSS had the information he wanted and ask if he was requesting this information in an official capacity. Mr. Bernath assured the FOIA/PA Chief, that the request was for official business. Mr. Bernath was advised that in accordance with DSS accountability requirements, DSS will be making a full accounting of this disclosure/release to him. At 13:56 the Chief, Office of FOIA/PA faxed over a copy of Ms. Tripp's DD Form 398 (3 pages) to Mr. Bernath. Mr. Bernath did not ask for nor receive Ms. Tripp's DSS Report of Investigation (ROI).

(a) identify the person or persons who initiated the request for information?

Answer: The request for the DD Form 398 came from Mr. Bernath.

(b) describe the justification given for the request?

Answer: *Mr Bernath stated the file would be used*
~~No specific justification was given other than it was for official business,~~
and mentioned indirectly he had a Sec Def
meeting in an hour or so.

7/12/48

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ASDPA Cliff Bennett

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Report "official use" - DCS Account

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Tom W.
Linda Rose