

process, and even more curious that none of the files appear to have been reviewed until July 27th, and then only for security-related reasons. Nevertheless, the Department's removal of the records from White House Liaison Office space for security-related reasons, as discussed in the following paragraph, imposed an obligation on the White House Liaison staff to segregate classified documents from unclassified ones. This process required a document by document review.

On July 26, 1993, the White House Liaison Office received nine security violations for improperly storing boxes containing classified documents on the office floor. The security violations related to material in nine of the twelve boxes of Bush WHLO records. The security guards who inspected the White House Liaison Office stated that the boxes were seized, sealed, and securely stored in their headquarters on the first floor of the Department. The security guards told OIG investigators that they are trained to focus on the classifications of documents found during an inspection and not on their contents. All security guards involved in the inspection denied having any knowledge of the contents of the boxes (Attachment 6). On July 27, 1993, the White House Liaison staff retrieved the nine boxes from the Bureau of Diplomatic Security and were directed henceforth to store all classified records in secure containers. As a result of this incident, the White House Liaison staff reviewed the material contained in the Bush administration WHLO records for classification and storage purposes, discarded materials they felt they did not need, and stored the remainder in approved security containers.

D. Destruction of Bush WHLO Records

At the time they discarded materials from the Bush administration WHLO records, the White House Liaison staff appeared to have been unaware of laws and regulations concerning the destruction of government records. The Bush administration WHLO records were retrieved from storage prior to July 17, 1993, the date approved by the National Archives for their destruction. However, no WHLO records appear to have been destroyed until July 27, 1993. Nevertheless, the destruction of these records, absent actual knowledge of the approved destruction schedule, was potentially a technical violation of the federal records management statute, 18 U.S.C. § 2071 and 5 FAM 440. It appears that the White House Liaison staff may not have received correct information from Department employees regarding the records destruction policy. The White House Liaison staff claims to have asked three employees about the records destruction policy prior to their discarding records ([] from the Bureau of Diplomatic Security, [] from the Office of Information Services, and [] from the Office of the Executive Secretariat).

Security Specialist [] was interviewed by OIG investigators (Attachment 7) concerning this allegation. [] stated that [] met with representatives of the White House Liaison Office to discuss the security violations; however, [] was not asked about the destruction of those records. [] stated that had [] been asked if White House Liaison staff could destroy records, [] would have referred the staff to the appropriate Department office. [] stated that [] would not independently have given them permission to destroy documents.

[] Technical Information Specialist [] also was interviewed by OIG investigators (Attachment 8) concerning destruction of the WHLO records. [] assisted the White House Liaison staff with their request to retrieve the retired records. [] stated that Tarver contacted [] after the White House Liaison office received a security violation for storing the Bush administration WHLO records in an unsecured area and denied knowledge that any of the records were classified. [] told Tarver that when [] initially researched their request for records, [] sent Bond a copy of the Retirement of Records form (DS-693) by facsimile which described the types of records in storage. At that time, [] told Bond that the records had a "secret" classification, but that [] would cover up the classification on this form as the form itself did not contain any classified material and then [] could send it to her by facsimile. [] also told Tarver that [] had clearly explained to Bond when [] picked up the records from Information Services that the records required "proper storage." [] stated that [] assumed that Bond understood that "proper storage" meant locked storage. [] stated that [] agreed to temporarily store three boxes of records for Tarver as he did not have sufficient space for all of the records. These boxes remained in [] office undisturbed until they were removed by the Department's Records Officer on September 2, 1993.

[] stated that [] did not instruct Bond or Tarver on the destruction of records. [] stated that [] did not have the authority to tell anyone that they could destroy Department records. [] said that [] was advised by either Bond or Tarver that the White House Liaison staff might destroy some records; however, [] did not raise an objection or warn the staff that they could not randomly destroy records without proper authorization.

Finally, Administrative Officer [] was interviewed by OIG investigators (Attachment 9) concerning destruction of the WHLO records. [] stated that [] office served as the personnel office for the political appointees in the Office of the Secretary and the Office of the Under Secretary for Management, to include the staff of the White House Liaison Office. Due to this, [] became acquainted with Tarver, and he routinely called to inquire about matters concerning personnel procedures and general information. [] stated that [] was not aware that the White House

Liaison staff had retrieved the Bush administration WHLO records until after September 1, 1993, when Kamen's column was published.

[] recalled that Tarver might have asked [] a question about the destruction of general records in the White House Liaison Office. [] stated that if [] had general files in [] office which [] did not need, [] would discard them in burn bags. [] stated that if Tarver had asked such a question, [] probably would have told him that he could discard general unnecessary records. [] stated, however, that if [] had understood that the records to which Tarver was referring were documents retrieved from the Department's Records Center, [] would never have told him he could destroy them.

The Kamen Column

On September 1, 1993, a piece entitled: "Found! Jennifer Fitzgerald's Personnel File" appeared in Al Kamen's "In the Loop," column on the Federal Page of *The Washington Post*. The item stated that Clinton administration officials had reviewed retired personnel files of 160 Department political appointees from the Bush administration, and related that each appointee had two files: one a standard résumé file and the other a working file which contained complaints or supportive comments on the individual. The item further noted that the working file for Fitzgerald was empty, and that the file for Tamposi included a memorandum suggesting that she was not qualified to be appointed Assistant Secretary for Consular Affairs. (See page 1 for the complete text of this item.)

Upon learning of the disclosures in the Kamen article, on September 1, 1993, Department Bureau of Administration officials questioned staff in the White House Liaison Office and determined that they had been responsible for retrieving the Bush administration WHLO records. After being advised by the Legal Adviser's Office that the WHLO records were part of a system of records protected by the Privacy Act, the Assistant Secretary for Administration, on September 2, 1993, referred the matter to the Inspector General as a potential violation of the Privacy Act.

Review of Bush Administration WHLO Records

OIG investigators obtained and reviewed the Bush administration White House Liaison Office records (Attachment 10). The history of the retrieval of Bush administration WHLO records was provided by personnel in the Department's Office of Information Services (Attachments 11 & 12). OIG has

accounted for eight of the twelve original boxes retrieved from storage in July 1993 by the Clinton administration White House Liaison staff. Four boxes of records were destroyed by the Clinton administration White House Liaison staff. In the eight boxes of records obtained by OIG, there were 197 name-specific appointee files, of which 37 were empty folders. Name-specific files for both Fitzgerald and Tamposi, containing official documentation, were located in the records. The file for Fitzgerald contained four documents -- three were official tracking documents and the other was an SF-171. The file for Tamposi contained 23 documents which included a variety of official documents, memoranda, and unofficial notes. An empty file folder for Fitzgerald was not found and was probably discarded by the White House Liaison staff in the course of their file review.

The Fitzgerald file in possession of OIG appears from its contents to be the WHLO tracking file, while the Tamposi file appears to be the WHLO working file. The Tamposi file contains a memorandum from [] [] memorandum, the gist of which was cited in Kamén's column without identifying the author, expressed [] concern about appointing Tamposi to the position of Assistant Secretary for Consular Affairs. [] []

[] (Attachment 13). OIG provided pertinent documents from both of these files to the fingerprint laboratory at the Federal Bureau of Investigation for analysis. Results from the Latent Fingerprint Section found Tarver's fingerprints on two of the documents submitted including the [] memorandum. The fingerprints of Bond, Kahn, and Schulhof were not identified on any of the documents submitted.

In order to resolve the issues raised in this investigation, interviews were conducted with staff members of the Clinton administration White House Liaison Office. These interviews revealed that all three Schedule C appointees of that office were involved in the retrieval and/or review of the Bush administration records. Descriptions of those interviews follow:

Interview of Staff Assistant Hannah Bond

On September 14, 1993, Bond was interviewed by OIG investigators (Attachment 14). Bond stated that during July 1993 she was directed by Tarver to retrieve the Bush administration WHLO records. Bond stated that Tarver said he wanted these records to learn the duties of the White House Liaison Office, and Tarver also mentioned to her the need to satisfy a subpoena request for records relating to the Clinton Passport investigation. She stated that twelve boxes of records were obtained at her request from storage and placed

on the floor of the file room on or about July 13, 1993. On July 26, 1993, the White House Liaison Office received nine security violations for improper storage of classified materials contained in those boxes. Bond stated that she had been unaware that the boxes contained classified material. As a result of these security violations, on July 27, 1993, the staff reviewed all the records in order to place classified documents in proper secure storage. Bond stated that the boxes contained the following types of files: administrative records, two types of personnel files on the political appointees, ambassador files by name and country, delegation files, and board and commission files.

Bond stated that one type of personnel file contained administrative documentation (WHLO tracking files) and the other type appeared to be a working file (WHLO working files) with notes from interviews and letters of recommendation. While reviewing the WHLO working files, Bond stated that she found a file with Fitzgerald's name on it and discovered that it was empty. (OIG found a WHLO tracking file for Fitzgerald, but not a WHLO working file, and we assume the empty working file was destroyed by the staff.) She shared this information with Tarver and Kahn. Bond stated that she also found a file with Tamposi's name on it and reviewed its contents. Bond stated that the Tamposi file contained a memorandum in which a Department official expressed concerns about Tamposi's qualifications. Bond showed the Tamposi file to Tarver and Kahn and they also reviewed the contents.

Bond stated that during the July 27th records review, Mark Schulhof, a Staff Assistant with the Department's Public Affairs Office, came into their office. Bond stated that Schulhof either overheard their discussions or she told him that they had found personnel files for Fitzgerald and Tamposi; however, she could not recall which was the case. Bond stated that Schulhof did not look at the files, but was told about the content of these files. Bond stated that after the events surrounding the staff's review of the files on July 27, 1993, she did not discuss their contents again until Al Kamen's news item was published on September 1, 1993. At that time, Bond already had been detailed to a new position at the North American Free Trade Agreement (NAFTA) Working Group. Tarver also had been detailed to the NAFTA Group, working out of the offices of the U.S. Trade Representative (USTR). Bond stated that it was Tarver who brought the Kamen news item to her attention on the morning of September 1st. In the course of that conversation, Tarver told Bond that he had spoken to Kamen in mid-August and had confirmed some information Kamen already knew concerning White House Liaison Office files. Tarver also told her that Schulhof initially had referred Kamen to him.

Bond provided OIG with an affidavit which summarizes her knowledge of this situation. Bond provided additional information in a second interview with investigators on September 28, 1993 (Attachment 15). During this second

interview, Bond stated that on September 1, 1993, she had discussed with Tarver their destruction of the WHLO tracking files following their July 27, 1993, records review. Bond related that the existence of a second set of appointee files was never an issue, rather it was always a "given" that two sets of files existed.

Interview of Deputy Director Simon Peter Kahn

On September 21, 1993, Kahn was interviewed by OIG investigators (Attachment 16). Kahn confirmed that Tarver had initiated the request for WHLO records. Kahn stated that both he and Tarver had participated in a review of Bush administration WHLO records on July 27, 1993, from approximately 1:00 p.m. to 4:00 p.m. Kahn had not reviewed the contents of any of the Bush administration WHLO records prior to the staff review on July 27th occasioned by receipt of the security violations. Kahn related that a general purpose for retrieval of the records was to identify all Schedule C Bush Administration Department appointees by job, position, and name.

Kahn said that the staff had a particular interest in reviewing the appointee files of the former head of the White House Liaison Office as well as the Fitzgerald and Tamposi files because they were familiar with the names of these individuals. Kahn stated that they discovered that the file for Fitzgerald was empty. Kahn related that he reviewed the contents of the Tamposi file page by page and he recalled Bond and Tarver doing the same. Kahn recalled that the file contained a document in which adverse remarks were made about Tamposi. Kahn stated the review was interesting in that it proved the conjecture that Tamposi was not qualified for the position she obtained from the Republican administration.

Kahn recalled that Schulhof visited the White House Liaison Office on July 27, 1993, the day the WHLO records were being reviewed, and teased the staff about their having received numerous security violations. In the course of discussing the security violations, Schulhof was told that the Bush administration WHLO records had been retrieved and was given a general description of the types of records that had been retrieved. Kahn could not recall Schulhof specifically being told about the Fitzgerald or Tamposi files. Kahn stated that he neither told Schulhof nor anyone else about the contents of these files. Kahn believed that Schulhof was in the office for approximately five to ten minutes discussing the security violations and the WHLO records.

Kahn stated that Tarver never mentioned the word "subpoena" during the review of Bush WHLO records. Kahn said that Tarver never instructed them to look for records pertaining to the Clinton Passport investigation. Kahn