

Administration. This system of records (separate from the OPFs) was created in order for the White House Liaison Office to have immediate access to documents pertinent to the appointments of political candidates within the Department. This system of records was properly created and recorded with the Office of the Federal Register, National Archives and Records Administration.

9. Were those files properly retained by the State Department upon the conclusion of the Bush Administration (i.e., should they have been sent to the Bush Presidential Library or the Federal Records Center in St. Louis)?

The records maintained by the White House Liaison Office are Departmental records, not Presidential records. The disposition of these records was therefore a Departmental matter. The Bush Administration White House Liaison Office staff properly processed the retirement of their office records through the Department's Office of Information Services. All the Bush Administration White House Liaison Office records were inventoried and examined by both Department officials and representatives of the National Archives and Records Administration. Because the majority of records maintained by the White House Liaison Office were duplicated in other areas of the Department, the Office of Information Services recommended that the records be destroyed upon the change of Administration. The National Archives approved the destruction of the records as they did not provide any significant historical value. The Clinton White House Liaison Office staff were able to review the records because they requested retrieval of the records shortly before the authorization for destruction was given by the National Archives and Records Administration.

The Department's OPFs are retired to the Federal Records Center in St. Louis in accordance with specific Federal Records Management regulations regarding their disposition. The appointee files maintained by the White House Liaison Office were not OPFs and therefore would not be sent to the St. Louis facility. Further, due to the fact that the appointee files were scheduled for immediate destruction, they could not be sent to any Federal storage facility. The Bush Administration records were properly processed and stored in the Department's storage facility located in Hyattsville, Maryland.

10. Was the search restricted to the files of Bush Administration political appointees, or were other personnel files searched as well?

The Clinton White House Liaison Office staff retrieved the retired records of their predecessors. They only had access to the appointee files contained within the retired Bush Administration records. The Clinton White House

Liaison Office staff did not have access to any other Department employee records, e.g., the Department's OPFs or any other systems of personnel files maintained by the Department.

11. Was it proper for State Department information management officials to make the files available to the person or persons who requested them?

The White House Liaison Office's retrieval of Bush Administration records, standing alone, did not violate Department policy. Departmental office supervisors regularly retrieve the records of their predecessors in order to better understand their new functions and responsibilities. The Research Branch of the Office of Information Services handles approximately 1500 research requests each month. The Research Branch staff properly handled the request to retrieve these Bush Administration White House Liaison Office records. This action was within the regular functions of that office. There were legitimate reasons for the Clinton Administration White House Liaison Office to request and review the Bush Administration White House Liaison Office records.

12. What use was made of the information contained in the files?

According to Mr. Tarver, the former appointee files contained within the Bush Administration White House Liaison Office records were reviewed in a file-by-file manner and compared to existing lists of the Department's political appointees. The review served to identify both political positions within the Department and specific appointees who may have switched to non-political positions. Mr. Tarver also provided [] with access to the files relating to Presidential Boards and Commissions to assist the White House in identifying specific Presidential Boards and Commissions within the Department. Finally, the White House Liaison Office staff screened the files to identify and remove any classified material, in response to the security violations issued by the Bureau of Diplomatic Security.

13. Who had access to the files in connection with the search?

The investigation revealed that the three members of the Clinton White House Liaison Office staff (Mr. Tarver, Mr. Kahn, and Ms. Bond) had access to the Bush Administration White House Liaison Office records. The staff provided [] with access to a portion of the records regarding Presidential Boards and Commissions; however, [] did not have access to the files concerning the individual political appointees. The staff also revealed some information contained within the records to a Departmental political appointee in the Bureau of Public Affairs, Mark Schulhof.

Mr. Schulhof was provided with information regarding the appointee file for former Deputy Chief of Protocol Jennifer Fitzgerald and it appears that he was also provided with information regarding the appointee file for Ms. Tamposi.

Although other Departmental offices had limited access to the boxes in which these records were stored, i.e., warehouse personnel, Departmental security guards, and Information Management personnel, we found no evidence which would lead us to conclude that they substantively reviewed the contents within the boxes. The boxes were sealed while transported, and no information was developed in this investigation to indicate that direct review of the records occurred except by the Clinton White House Liaison Office staff.

14. Were documents contained in any of the files photocopied? If so, what use was made of the copies, who has access to them, and where are they today?

E) photocopied a nine-page listing of all Departmental Presidential Boards and Commissions and brought it to the Boards and Commissions Section of Presidential Personnel at the White House. The document was utilized to assist that office in identifying Boards and Commissions within the Department of State.

The investigation found no evidence which would lead us to conclude that any other photocopies were made of documents contained in the Bush Administration White House Liaison Office records.

15. Were any notes or other documents prepared based on information contained in the files? If so, what use was made of such notes or other documents, who has had access to them, and where are they today?

The investigation did not reveal that any other documents were prepared based on the information contained in the files.

16. Have similar searches been ordered or taken place elsewhere in the Executive Branch? If so, who authorized or directed the searches?

This question raises issues beyond the scope of State Department OIG jurisdiction. We understand that the GAO is reviewing the issue.

17. Do the circumstances surrounding the search suggest that the actual purpose of the search was something other than the ostensible purpose?

The investigation revealed that the Clinton White House Liaison Office staff had knowledge of the existence of the Bush Administration White House

Liaison Office records as early as March 1993. The records retrieval was not requested until July 1993. The records were received by the Clinton White House Liaison Office staff on or about July 13, 1993, and were reviewed on July 27, 1993, due to the receipt of security violations. Mr. Tarver left his position with the White House Liaison Office and was detailed to work with the North American Free Trade Agreement Working Group on or about July 31, 1993. This scenario does not suggest any well-organized plan or purpose by the White House Liaison Office staff.

During the initial months of the Clinton Administration transition, the White House Liaison Office staff was very busy processing new political appointments. By July 1993, the majority of political positions within the Department had been filled and the work at the White House Liaison Office tapered off. Mr. Tarver's ostensible purposes (discussed in question five) appear to be defensible reasons for requesting the records. Mr. Tarver stated that he had difficulty identifying all the political positions within the Department and he requested the records to assist the office in that process.

However, Mr. Tarver's professed purpose for reviewing Ms. Tamposi's file (to respond to a rather dated subpoena in the Special Counsel's investigation of the Clinton Passport matter), appears questionable. His explanation appears to be cited as a justification for why he had a "need to know" the exact contents of her file. As Ms. Tamposi was no longer employed with the Department, and her former position was clearly known to that office, the Clinton White House Liaison Office staff members had no operational need to know the contents of her file. It appears, however, that during their general review of the files, the staff discovered the individual files for Ms. Fitzgerald and Ms. Tamposi and curiosity more than operational need motivated their review of the contents.

18. Who disclosed information from the files to the news media?

Mr. Schulhof admitted disclosing to Mr. Kamen that the White House Liaison Office had Republican files in their possession and that the file for Ms. Fitzgerald was missing. Mr. Schulhof denied providing Mr. Kamen with any information concerning Ms. Tamposi.

Mr. Tarver admitted to disclosing to Mr. Kamen that the White House Liaison Office had retrieved the Bush Administration White House Liaison Office files and confirming that the file for Ms. Fitzgerald was empty. Mr. Tarver admitted to disclosing to Mr. Kamen that the office had a file for Ms. Tamposi that was not empty. Mr. Tarver stated that he discussed Ms. Tamposi's qualifications with Mr. Kamen; however, he denied disclosing any information from the contents of her file to Mr. Kamen.

19. Who authorized or directed the disclosure of information from the files to the news media?

The investigation did not develop any information to suggest that Mr. Schulhof or Mr. Tarver had been directed by anyone to disclose this information to Mr. Kamen. The information developed in OIG suggests that Mr. Schulhof and Mr. Tarver acted on their own initiative in doing so.

Mr. Schulhof was not authorized to speak with the media and his supervisor was not aware of either his actions in this matter or of his ongoing relationship with Mr. Kamen. Mr. Schulhof referred Mr. Kamen to Mr. Tarver. Mr. Tarver stated that Mr. Schulhof told him that it was "O.K." for him to speak with Mr. Kamen about the files. Mr. Tarver stated that he assumed that Mr. Schulhof was speaking for Assistant Secretary for Public Affairs Thomas Donilon when he made the referral. This statement appears implausible, due to the fact that Mr. Schulhof was a general schedule (GS) level 11, four levels lower than Mr. Tarver. When Mr. Tarver spoke to Mr. Kamen, he prefaced his conversation by stating that it was "off the record." If Mr. Tarver had authorization to speak to the press, he would not need to speak "off the record." Had Mr. Tarver asked any Department official if his actions were authorized, he would clearly have been advised that he was not authorized to speak with the media. Further, Mr. Tarver admitted that the information with which he worked in the White House Liaison Office was personnel-sensitive and only to be released on a "need to know" basis to authorized personnel.

20. Was any other improper use made of information obtained from the files?

No information was developed from this investigation to indicate that other improper uses were made of information contained within the Bush Administration White House Liaison Office records.

21. Where are the files today?

All the remaining records from the Bush Administration White House Liaison Office were removed from the Clinton White House Liaison Office and are presently in the possession of the Office of Inspector General.

22. What laws and procedures, if any, were violated?

The appointee files maintained by the White House Liaison Office were protected by the provisions of the Privacy Act of 1974, 5 U.S.C. § 552a, and therefore a willful disclosure of their contents violates the Act and carries criminal penalties. Dissemination of personnel sensitive information to

unauthorized persons violates Department of State regulations under 5 FAM 480.

Further, a potential, albeit technical, violation of the Federal Records Management statute, 18 U.S.C. § 2071, may have occurred due to the destruction of government records by the Clinton White House Liaison Office staff. The Clinton White House Liaison Office staff retrieved the Bush Administration White House Liaison records prior to July 17, 1993, the date they were approved for destruction by the National Archives and Records Administration. The Clinton White House Liaison Office staff destroyed some of these records on July 27, 1993 without knowledge that destruction had been approved by the National Archives and Records Administration. Because the records were permanently retrieved by the White House Liaison Office, however, the records may have required a new disposition date and authorization prior to being destroyed.