

## Union Calendar No. 469

104th Congress, 2nd Session - - - - - House Report 104-862

INVESTIGATION INTO THE WHITE HOUSE  
AND DEPARTMENT OF JUSTICE ON  
SECURITY OF FBI BACKGROUND INVESTIGATION FILES

INTERIM REPORT

## NINETEENTH REPORT

BY THE

COMMITTEE ON GOVERNMENT  
REFORM AND OVERSIGHT

together with

ADDITIONAL AND MINORITY VIEWS

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how many I canceled by not calling for an SBI, but if all else failed I then sent for an SBI.

Q Okay. Do you know about where you were in the list when you started doing this by mid-December?

A Until all of this started, I didn't know. After this business has become public, I have read the paper.

Q Okay. And so at the time you are doing it mid-December, you don't have any recollection, just solely from thinking back, of what you were doing in mid-December, what letter you were at or anything; is that true?

A That's correct.

Q And the recollection you have is just from what you read in the paper where they say the list stopped?

A I have heard a lot of stuff now that leads me to believe that I stopped at "G."

Q And that's mainly from the public accounts?

A Mainly, that's right.

Q Are there any other individuals that you have spoken to, other than your attorney solely, that have allowed you to put that together?

A I believe most of it has come from analysis with my attorney.

Q Has any of it come from anyone else?

A Not that I can recall.

Q Have you had any conversations with Craig Livingstone about this matter?

A About the matter?

Q About anything concerning the FBI files and lists or you working there?

A Yes, on Sunday.

Q Sunday?

A Last week.

Q Okay. Can you tell us what you talked with Mr. Livingstone about?

A I met him and asked him about what was going on. And he told me that Billy Dale thing was under investigation and he told me that if I got called before the grand jury to tell the truth and then he asked me to speak to his attorney, which I did.

Q And where did you meet with him on Sunday?

A I first met my wife and I first met Craig at the flea market. Then we went to his house, or his apartment and then we went to his attorney's office in Georgetown.

Q And which one of his attorneys did you speak to?

Mr. Cohen.

1 005169

Q And what did you discuss with Mr. Cohen?

Mr. Cohen asked me if I would give a statement about my details -- about what I did when I was on detail. And I did so.

Q And were you with your counsel there?

A No, I was not.

Q Okay. And how did this statement come to be drafted? Can you just describe if you wrote it out or what happened?

A I dictated it to Mr. Cohen. All the flaws are my fault.

Q And can you describe, was he typing as you were dictating?

A Yes, sir -- yes, ma'am, he was on the computer.

Q Okay. So he was actually typing the words as you were dictating?

A Correct.

Q He wasn't taking shorthand as far as you know?

A No.

Q Was this a process where it was being edited as you were dictating it to Mr. Cohen?

A No, it was about a 30-minute process. I went through it and he word spelled it and gave it to me. I looked it over.

Q As you were dictating it. Did he ask you any questions about what you were saying? Did he stop at any point?

A He listened to what I had to say, made some clarifications.

Q Can you describe what kind of clarifications he made?

A You well know I can't answer that without access to the statement. If you have the statement, I'll look at it.

Ms. Olson. I'll mark this as a Deposition Exhibit Number 10. And this is Declaration of Anthony Marceca, which is a typewritten statement, and it is 4-pages long, signed by Mr. Marceca, dated June 9th, 1996.

[Marceca Deposition Exhibit No. 10  
was marked for identification.]

BY MS. OLSON:

Q I ask if you recognize the Deposition Exhibit Number 10?

A As I recall, there was some revision in the -- in my description which has been blacked out on this sheet, concerning the name of the individual who was blacked out.

FUTS BRYAN

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DCMN HERZFELD

[7:00 p.m.]

Q That is, for the record, the place that we are talking about is on page 2 under paragraph number 5 that we have been just discussing; is that correct?

A That's correct.

Q Okay. Can you describe what discussions you had with Mr. Cohen concerning this paragraph?

A Yes. He asked me -- the best I can recall, he asked me, how did I know that those former White House people should have been on the access list and should have been -- backgrounds should have been requested, and didn't that cause me to question why I was doing that in one case specifically, and I said -- I answered him that I had seen them, as it stated there -- I had seen this individual walking the halls, and therefore I did not find it unusual at all. I had seen him walking unattended.

Q Who was the individual?

A Marlin Fitzwater.

Q And is that in the line -- it says, "I recall seeing several former Bush administration officials, such as" -- and that crossed out is "Marlin Fitzwater"?

A Correct.

Q And then the sentence goes on to say, in the White House complex during my detail at the Office of Personnel Security. If I saw blank name on the access list, therefore, it would not have struck me odd.

What name?

A Same name.

Q Okay. Do you have any knowledge why these names have been blacked out?

A Yes.

Q Can you please tell me?

A I did it.

Q Can you state your basis for why you did that?

A I just felt after I had given him the statement that those names should have been blacked out.

Q Other than that paragraph that you just discussed with Mr. Cohen, did he ask you any questions about any of the other information that you were giving during that statement?

A Not that I can recall. I just kind of gave it to him and signed it and left, took a copy with me.

Q Did he question you about any other individuals who were reported to be on the list?

A I don't recall that he was specific about any other names.

Q Did he ask you if you had ever seen James Baker on the list that you were going through?

A I don't recall that.

Q On page 4 of your statement, you are talking about three files that you reviewed in the course of the update project that you delivered for Mr. Livingstone's review. The next sentence says, "To the best of my recollection, none of these files were of former high-ranking Bush or Reagan organization officials such as," and then there is a blank. Is that a name of a Bush or Reagan official that you believed was on the list?

A I believe it was.

Q And can you tell us what name you had in that section?

A I believe it was Marlin Fitzwater, and I don't know what the other name was. It might have been James -- I don't know.

Q Do you have a copy without the name blacked out?

A I don't believe so. I don't -- I don't know if I do.

Q Do you believe that Mr. Cohen has a copy without the name blanked out?

A I really -- might, I don't know.

Q When he was originally typing it, did he type it up with the name and print it out?

A Yes.

Q And then after you saw the copy --

\ I think I blacked it out before I --

Q Before additional copies were made?

A Before I signed it.

Q Okay.

A I don't know for sure that I blacked his copy out. I think I blacked his copy out.

Q Do you know if he took it off his computer, the name, or if he left it on his computer that he was typing it on?

A I don't know.

Q Did you see him ever delete the name after you blacked it out?

A No, I didn't -- I did not think that I was involved in this thing. I was just doing that.

Q You said that by mid-December when you were typing up this list of names and then calling up the agencies such as GSA, how did you know what agency the people were at?

A I was attempting to identify -- you mean department?

Q Uh-huh.

A I was attempting to identify the department that they worked in.

How were you doing that?